


# CONSTITUTION

## INTERNATIONAL BROTHERHOOD OF TEAMSTERS CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA

ADOPTED BY THE  
MIAMI BEACH, FLORIDA, CONVENTION  
SEPTEMBER 30 - OCTOBER 5, 1957





# Preamble

As almost every improvement in the condition of the working people was accomplished by the efforts of organized labor, and as the welfare of the members of a craft can best be protected and advanced by their united action in one great labor organization, we have organized the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

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**CONSTITUTION**  
**of the**  
**International Brotherhood of**  
**Teamsters, Chauffeurs,**  
**Warehousemen and Helpers of America**

***Article I***

**Name**

Section 1. This organization shall be known as the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America and shall consist of an unlimited number of Local Unions chartered by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

**Objects**

Section 2. To organize under one banner all workmen engaged in the craft, and to educate them to cooperate in every movement which tends to benefit the organization; to impress upon our membership, our employers, and the public that it is to the advantage of all concerned that workers be organized; the organization of our craft requires honest and intelligent membership, adapted to the business; we teach our membership the advantage, benefits and importance of their industrial position, and we endeavor to build up and perfect a labor organization in conformity with the highest standards of our American and Canadian citizen-

ship; we seek to improve the industry by increasing the efficiency of the service and by instilling confidence, good will and understanding between our membership and their employers, which will have the effect of preventing unnecessary conflicts or serious misunderstandings between the membership and their employers, and which will further encourage cooperation and fair dealing with all employers so as to secure for our membership reasonable hours, fair wages and improved working conditions.

## *Article II*

### **JURISDICTION, MEMBERSHIP, AND ELIGIBILITY TO OFFICE**

#### **Jurisdiction**

Section 1. This organization has jurisdiction over all teamsters, chauffeurs, warehousemen and helpers; all who are employed on or around horses, harness, carriages, automobiles, trucks, trailers, and all other vehicles hauling, carrying, or conveying freight, merchandise, or materials; automotive sales, service and maintenance employees, garage workers and service station employees, warehousemen of all kinds employed in warehouse work, stockmen, shipping room employees, and loaders, that is persons engaged in loading or unloading freight, merchandise, or other materials on to or from any type of vehicle; all classes of dairy employees, inside and outside, including salesmen; brewery and soft drink workers; workers employed in ice cream plants; all other workers employed in the manufacture, processing, sale and distribution of food, milk, dairy, and other products; all truck terminal employees; cannery workers; and other workers where the security of the bargaining positions of the above classifications requires the organization of such other workers.

## Membership

Section 2. (a). Any person of good moral character, employed in the craft or the various employments over which this International Union has jurisdiction, shall be eligible to membership in this organization. Provided, that hereafter no person shall be eligible for membership in this organization who has not declared his intention to become a citizen of the United States, if a resident of the United States, or of Canada, if a resident of Canada, or who, having declared such intention, has permitted same to lapse.

(b). Persons who own, lease or operate a team or vehicle and perform work under the jurisdiction of this International Union may be eligible for membership in this International Union.

(c). If, however, any Local Union can prove to the satisfaction of the General President that the membership of such individuals would be detrimental to the welfare of the Local Union, it may present such facts to the General President for authority to refuse to accept such persons as members. The General President shall consider all the facts and circumstances and render a decision in the matter, subject to appeal to the General Executive Board, which shall be binding on such Local Unions.

(d). The foregoing provision shall apply with equal force to so-called "venders" and "owner-equipment drivers." A "vender" is a person who purchases products and sells the same on his own behalf. An "owner-equipment driver" is a person who, in connection with his employment, uses equipment sold or leased to him by his employer or equipment which he has purchased independently but which he uses in whole or in part in the service of

his employer. When such persons apply for membership in the International Union, the Local Union and the International Union shall have the right and authority as a condition precedent to membership to approve or disapprove of any contract pertaining to such form or similar form of employment.

(e). All contracts hereafter renewed or entered into, pertaining to such form or similar form of employment, shall likewise be subject to such approval or disapproval of the Local Union and International Union. If, in the judgment of the Local Union or International Union, such employment contract will constitute a reduction in the union wage scale then prevailing for such service without "owner equipment," the same shall not be approved by the Local Union and such persons shall be ineligible to membership or, if a member, shall cease to work under such conditions or be subject to suspension or expulsion by the Local Union or International Union.

(f). The General Executive Board is empowered when necessity arises to change, alter and amend any provision of paragraphs (b) through (e) inclusive of this section.

### **Subversive Elements Barred From Membership**

Section 3. (a). No member of the Communist Party or other subversive organization, nor any person who subscribes or lends support to their doctrines, shall be allowed to hold membership in any Local Union of the International Organization. If by false statements such individual has obtained membership he shall be expelled. It is not necessary that the individual charged with membership in the Communist Party or other subversive organization admit his



membership in said party or organization. If the Local Union Executive Board, by majority vote, is satisfied by the evidence presented that the individual is a member of the Communist Party or of any other subversive organization, or subscribes or lends support to their doctrines, the Local Union Executive Board shall expel such individual after he has obtained a proper trial, in accordance with our laws.

(b). The action of the Local Union Executive Board is final and binding, with the understanding that either party has the right to appeal in accordance with this Constitution and subject to the following provision:

(c). If, in the opinion of the General President, the above section has not been complied with in principle and intent by the Local Union or its executive officers, he or someone appointed by him or acting for him, shall be empowered to reopen and review the case and, if he deems it advisable, he or his representative shall be empowered to transfer the case to the General Executive Board. If the General Executive Board returns a decision of guilty, the decision shall be final and binding.

## **Eligibility to Office**

Section 4. To be eligible for election to any office of a Local Union or the International Union a member must be in continuous good standing for a period of two (2) years prior to nomination for said office and must have worked at the craft as a member for a total period of two (2) years. This does not apply to officers of newly organized Local Unions, except as follows: In Local Unions organized for less than two (2) years an individual must be a member and in continuous good standing and must have worked at the craft as a member for at least half of the period of time since the Local Union was



chartered by the International Union. The requirement of having worked at the craft as a member shall not be construed to prevent any member holding Local Union office or employed as a full-time organizer for the International Union at the time of the 1952 convention from continuing in office for the balance of the term thereof, or to prevent him from being eligible for subsequent elections to office in a Local Union or to election for office in the International Union. To be eligible to hold office in a Local Union a member must be a citizen of the country in which his Local Union is located. Officers under this section shall also include members of Local Union Executive Boards, business representatives of Local Unions, delegates to central bodies, and delegates to all conventions of labor, other than the conventions of the International Brotherhood of Teamsters.

### *Article III*

## **CONVENTION AND REPRESENTATION**

### **Conventions**

Section 1. The International Convention shall be the supreme governing authority of the International Union and shall have the plenary power to regulate and direct the policies, affairs, and organization of the International Union.

The conventions of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America shall be held in 1957 and thereafter every five (5) years at such time and at such place as may be designated by the General Executive Board upon the recommendation of the General President. The General Secretary-Treasurer shall issue a call for the convention not less than two (2)

months prior to the date of meeting. In the event of an emergency as determined by the General Executive Board which prevents the holding of a convention in accordance with the provisions herein set forth, the same shall be held as soon thereafter as possible, in accordance with the intent and spirit of this Constitution.

### **Basis of Representation**

Section 2. Each Local Union having seven hundred and fifty (750) members or less shall be entitled to one (1) delegate, and one (1) delegate for each additional seven hundred and fifty (750) members or majority fraction thereof, but in no case shall a delegate have more than one (1) vote. No proxy vote will be allowed. (See also Article VII, Section 5).

### **Requisites for Representation**

Section 3. (a). No Local Union shall be entitled to representation in the convention that has not been chartered, affiliated and in good standing for six (6) months prior to the opening of the convention, and each Local Union to be entitled to said representation must have paid into the International Union Treasury six (6) consecutive months' per capita tax.

(b). All moneys due the International Union, whether by per capita tax or otherwise, must be received at least three (3) days prior to the opening of the convention.

(c). The General Executive Board is empowered to grant full representation to any Local Union which has been affiliated with the International Union for less than six (6) months when such Local Union was formerly an independent Local Union or was formerly affiliated with an Interna-

tional Union other than the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

### **Expenses of Delegates**

Section 4. Each Local Union shall pay the expenses of its delegates to the International Convention.

### **Election of Delegates and Alternates**

Section 5. All delegates to the International Convention shall be selected by vote at a regular or authorized meeting of the Local Union, or such delegates may be appointed by the Executive Board of the Local Union if so authorized by a vote of the Local Union membership at a regular or authorized meeting. All convention delegates, except substitute delegates, shall be selected during the period from the receipt by the Local Union of the convention call up to the thirtieth (30th) day preceding the first (1st) day of the convention. In the event of disability of a delegate selected by a Local Union to attend the convention, the Executive Board of that Local Union may appoint a substitute to replace such delegate. Each delegate or substitute must be an active member working at the craft. This, however, must not be construed so as to bar the selection of salaried officers of Local Unions or officers of the International Union. All International Officers, Organizers and Auditors who have worked continuously for one (1) year or more shall be entitled to all the privileges of regularly credentialed delegates; provided that this shall not be construed to make eligible for International Office an organizer or auditor who is not otherwise eligible through having worked at the craft for such

a length of time as to have made him eligible for International Office as in this Constitution provided.

## **Credentials**

Section 6. (a). The secretary-treasurer of each Local Union shall, immediately after the selection of delegates, forward their names to the General Secretary-Treasurer, who shall publish a list of delegates. Each delegate shall present his credentials, properly signed by the president and secretary-treasurer, and the seal of the Local Union shall be impressed thereon. He shall also present his membership card, establishing that he is a member in good standing and entitled to a seat in the convention.

(b). All credentials must be in the General Office thirty (30) days prior to the opening of the convention.

## **Committee on Credentials**

Section 7. (a). The General President shall, preceding each convention, appoint from the delegates-elect a committee of seven (7), no two (2) from any one (1) state or province, to act as a committee on credentials. Said committee shall meet at the place of holding the convention five (5) days prior to the opening of the convention. The General President or his representative and General Secretary-Treasurer shall also be members of said committee. To this committee shall be referred all credentials. This committee shall have its report in writing ready for the convention when it opens.

(b). The seven (7) appointive members shall receive as compensation for the extra five (5) days' service the same remuneration for services as is paid to the General Executive Board members and organizers, including regular hotel expenses.



## **Amendments to Constitution; Resolutions**

Section 8. (a). Thirty (30) days prior to each convention, Local Unions, members in good standing, or the general officers shall have the right to send to the General President of the International Union proposed amendments or additions to the Constitution, or resolutions, which shall be submitted to the Committee on Constitution when it meets. This shall not deprive delegates to the convention of their right to propose amendments or additions to the Constitution, or to submit resolutions during the sessions of the convention in accordance with rules governing the convention.

(b). Amendments to the Constitution shall be adopted by a two-thirds ( $\frac{2}{3}$ ) vote of the delegates present in convention assembled. Duly adopted amendments shall become effective immediately upon their adoption unless otherwise specified in any particular amendment adopted by the convention. This amendment to Article III, Section 8 (b), shall become effective immediately upon adoption.

(c). The General Executive Board shall have the power, following convention adoption of amendments to this Constitution but prior to printing thereof, to make such corrections, typographical, grammatical, punctuational or otherwise, including the supplying or remedying of inadvertent omissions or errors, as are necessary to carry out the spirit and intent of any amendments so adopted.

## **Quorum**

Section 9. A quorum shall consist of a majority of the delegates seated in the convention.



## **Article IV**

### **OFFICERS, DELEGATES AND ELECTIONS**

#### **International Officers**

Section 1. (a). The officers of the International Brotherhood of Teamsters shall consist of a General President, General Secretary-Treasurer, thirteen (13) Vice Presidents, and three (3) Trustees. The General President, thirteen (13) Vice-Presidents and General Secretary-Treasurer shall constitute the General Executive Board. In the case of a vacancy occurring between the time of the convention and December 1 of such year in any International Union Office, such vacancy shall be filled by the officer-elect to the position vacated. The provisions of this Article IV, Section 1 (a), excepting the provisions with respect to the filling of the vacancy, shall not become effective until December 1, 1957.

(b). Vice-Presidents shall be known as First, Second, Third, etc., in accordance with their seniority on the General Executive Board.

(c). Not more than two (2) officers from any one (1) city can be elected to hold a position entitling him to a seat on the General Executive Board. The officers of the International Union shall as near as practicable be uniformly distributed throughout the entire country.

#### **Election of Officers and Delegates**

Section 2. The election shall be in charge of a Committee on Rules appointed by the President of the convention, and all officers shall be installed on the last day of the convention and assume their official duties on December 1, following the adjournment of the convention. All nominations for International Officers shall be made in open con-

vention and elections shall be by roll call, where there is more than one (1) candidate for any office. It shall require a majority of all votes cast to constitute an election; at every unsuccessful ballot the candidate receiving the lowest number of votes shall be dropped until an election takes place. This shall not apply to Trustees or American Federation of Labor-Congress of Industrial Organizations delegates, but in their election each delegate must vote for three (3) candidates for Trustees and the number of American Federation of Labor-Congress of Industrial Organizations delegates decided upon by the convention, and the candidates receiving the highest number of votes shall be declared elected.

### **Delegates to Conventions of American Federation of Labor; Reports; Expenses; Unit Rule**

Section 3. (a). At each convention of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, there shall be elected as many delegates to the American Federation of Labor-Congress of Industrial Organizations conventions as the membership of the International Union permits. Said delegates shall make a full report of said convention to the General Executive Board in writing and to the general membership through the Official Journal within sixty (60) days.

(b). The expenses of the above delegates shall be paid by the International Union, the amount to be determined by the General Executive Board, with fare to and from the convention and no longer time shall be consumed than is necessary to make the trip. The General President and General Sec-

retary-Treasurer shall act as delegates to the convention of the American Federation of Labor-Congress of Industrial Organizations by virtue of their office.

(c). The unit rule shall prevail in all votes cast amongst the delegates representing the International Union at the American Federation of Labor-Congress of Industrial Organizations and department conventions.

## *Article V*

### **OFFICERS' SALARIES AND EXPENSES**

Section 1. (a). The salary of the General President shall be fifty thousand dollars (\$50,000.00) per year; the salary of the General Secretary-Treasurer shall be fifty thousand dollars (\$50,000.00) per year.

(b). The Vice-Presidents, other than Vice-Presidents who are full time organizers, shall receive a salary of five hundred dollars (\$500.00) per month as compensation for attending board meetings, and representing the interest of the International Union, and the three (3) Trustees, if not full-time organizers, shall receive a salary of three hundred dollars (\$300.00) per month as compensation for performing their duties as Trustees. When engaged in other duties under orders from the General President, the Vice-Presidents and Trustees who are not full-time organizers shall, in addition, receive the same prorata salary as organizers, but in no event shall their salary from the International Union exceed twenty thousand dollars (\$20,000.00) per year. The provision of Article V, Section 1 (b), relating to the salary of the Trustees, shall not become effective until December 1, 1957.

(c). The person holding the office of Executive Assistant to the General President while working

under orders of the General President shall be paid a sum fixed by the General President and expenses as allowed to other executive officers and organizers.

(d). Organizers while working under orders of the General President shall be paid a sum fixed by the General President for the first year of service. Such salary shall be increased in equal sums for the succeeding two (2) years so that at the end of three (3) years of service the salary shall be twenty thousand dollars (\$20,000.00) per year. The provision of Article V, Section 1 (d), with respect to salaries, shall not become effective until December 1, 1957.

(e). The General President, General Secretary-Treasurer, Vice-Presidents, Organizers and other executive officers of the International Union shall be allowed seven dollars and fifty cents (\$7.50) per diem for incidental expenses. All organizers other than special organizers shall be allowed the sum of two hundred dollars (\$200.00) per month as automobile expenses. All executive officers, organizers and others working outside of their home city, or when travelling in the interest of the organization, shall receive their fare in addition to the above named sum to and from their destination, and in addition shall receive a sum of twenty-five dollars (\$25.00) per diem. The provision of Article V, Section 1 (e), with respect to per diem allowances shall not become effective until December 1, 1957.

(f). All special organizers' salaries and expenses shall be determined by the General President, subject to the approval of the General Executive Board.

(g). All salaries or powers to establish them shall be determined by the convention prior to election of officers.



## **Travel Provisions**

Section 2. The General President, for the purpose of promoting the interests and welfare of the International Union and the making of diplomatic contacts with other organizations and institutions, and for the purpose of conserving his health, may in his discretion travel in this country or, with the approval of the General Executive Board, abroad and may take periodic rests. The General Executive Board shall provide for all expenses of the General President when performing the services mentioned herein or when taking periodic rests; the said expenses shall include travel in this country and abroad, the full and complete maintenance of his wife so that she can accompany the General President, and all secretarial help and services which he deems necessary while engaged as afore referred to. The expenses provided for herein are in addition to all other constitutional compensation and allowances.

## **Article VI**

### **GENERAL PRESIDENT—DUTIES AND POWERS**

#### **General Duties**

Section 1. (a). The General President shall preside at the Convention of the International Brotherhood of Teamsters and conduct the same in conformity with this Constitution. He shall have the deciding vote in case of a tie on any question that is being voted on by the convention, and shall act to the best of his ability in furthering the interests of the organization. He shall fill any vacancy among the general officers, subject to the approval of the majority of the General Executive Board.

(b). The General President shall have general supervision over the affairs of the International



Union, which shall be conducted in accordance with the Constitution and subject at all times to review and approval of the General Executive Board.

(c). The General President shall devote his entire time to the service of the International Union.

(d). It is understood, however, that this shall not prohibit or prevent him from accepting a call to service by the government of the United States; and if such call is made and he believes that it is in the best interests of the International Union to accept, his position and remuneration as now outlined in the Constitution shall not be interfered with and shall continue.

(e). The General President may, without the approval of the General Executive Board, appoint a member of the International Union to the Office of Executive Assistant to the General President, who shall receive a salary for the term of his appointment as set forth in Article V, Section 1 (c).

(f). The General President, with the approval of the General Executive Board, shall be empowered to appoint and fix the salaries of one (1) or more Assistants to the General President to carry on his work if he deems it necessary.

(g). The General President when so requested by the Executive Board of a Local Union, shall have authority in his discretion to direct that a referendum vote be held by the membership of any Local Union in respect to any question or situation where a vote of the membership is required either under this Constitution or the Constitution or by-laws of the Local Union involved.

### **Judicial Powers**

Section 2. (a). He shall have authority to interpret the Constitution and laws of the International

Union and to decide all questions of law thereunder between meetings of the General Executive Board, and shall have authority, unless some other procedure is expressly provided in this Constitution, to settle and determine all grievances and disputes submitted to him by Joint Councils, Local Unions, and other subordinate bodies, between meetings of the General Executive Board, all subject to appeal to the General Executive Board, and, thereafter to the next Convention in the manner and to the extent prescribed in this Constitution. When any action is taken as provided herein between meetings of the General Executive Board such action shall be reported to the next meeting of the General Executive Board for its approval, reversal or modification, if an appeal has been taken.

(b). When the General President makes a decision or orders a Local Union to observe the laws, and the Local Union refuses, the Local Union shall be subject to suspension or revocation of charter by the General Executive Board.

### **Arbitration; Procedure; General President Empowered to Submit Question of Arbitration to General Executive Board When Satisfied That Local Union Is Not Justified in Rejecting Arbitration**

Section 3. In any controversy with an employer, not covered by a Local Union agreement, the Local Union shall make all reasonable efforts to settle the same through negotiation and, if it fails, through a fair arbitration tribunal. If an employer offers to arbitrate, it shall be optional with the Local Union to accept or reject such arbitration. However, if the Local Union rejects arbitration and the matter is brought to the attention of the General President, he shall ask the officers or representatives of the

Local Union to appear before him or his representative or in some other manner to explain their reasons for refusal. If the General President is satisfied that the Local Union is not justified in refusing arbitration, then the General President shall submit the matter to the General Executive Board, and if the General Executive Board is of the opinion that the Local Union should arbitrate it may so decide, whereupon the Local Union shall proceed to carry out the decision of the General Executive Board.

### **Approval of By-Laws of Local Unions**

Section 4. By-Laws of Local Unions and other subordinate bodies and amendments thereto shall be subject to the approval of the General President. If the General President fails to approve the by-laws, the matter may be referred by the subordinate body to the General Executive Board for its determination.

### **Power of General President To Appoint Trustees and Duties and Obligations of Local Unions Under Trusteeship**

Section 5. (a). If the General President has or receives information which leads him to believe that any of the officers of a Local Union or other subordinate body are dishonest or incompetent, or that such organizations are not being conducted in accordance with the Constitution and laws of the International Union or for the benefit of the membership, or are being conducted in such a manner as to jeopardize the interests of the International Union, he may appoint a temporary Trustee to take charge and control of the affairs of such Local Union or other subordinate body; provided, however, that before the appointment of such temporary Trustee, the General President shall



set a time and place for a hearing for the purpose of determining whether such temporary Trustee shall be appointed, and further provided that where, in the judgment of the General President that an emergency situation exists within the Local Union or other subordinate body, the temporary Trustee may be appointed prior to such hearing, but such hearing shall then commence within thirty (30) days and decision made within sixty (60) days after the appointment of such temporary Trustee; and further provided that in all cases the Local Union or other subordinate body shall be advised of the reasons for the appointment. Adequate notice, at least ten (10) days prior to the date of the hearing, shall be given to the Local Union or other subordinate body involved. In the case of all hearings conducted pursuant to or after the establishment of a Trusteeship, the General President shall designate a panel comprised of at least one (1) International Union Vice-President and one (1) disinterested member of the International Brotherhood of Teamsters from the area involved. Such representatives shall make their recommendations to the General President, orally or in writing within ten (10) days after the completion of the hearing, and the decision in the case shall be made by the General President himself, which decision shall be made within ten (10) days after such recommendations are received by him and such decisions shall be promptly transmitted to the Local Union or other subordinate body. Appeals, if any, from determinations following such hearings shall be taken directly to the General Executive Board. Appeals, if any, from decisions of the General Executive Board shall be taken to the Convention by the Local Union or subordinate body affected. Procedures on appeals under this Section, insofar

as is consistent with this Section, shall be governed by the provisions of Article XVIII. The International Union shall not be responsible for any actions or activities of a local union or other subordinate body under Trusteeship unless such actions or activities have been directed or authorized by the Trustee.

(b). The Trustee shall be authorized and empowered to take full charge of the affairs of the Local Union or other subordinate body, to remove any or all officers and shall within sixty (60) days appoint temporary officers during his Trusteeship, and to take such other action as in his judgment is necessary for the preservation of the Local Union or other subordinate body and their interests. He shall report from time to time on the affairs and transactions of the local union or other subordinate body to the General President. His acts shall be subject to the supervision of the General President. The General President may remove Trustees at any time and may appoint successor Trustees. The terms of office of officers so removed shall terminate as of the date of removal, unless otherwise absolved.

(c). The removed officers shall turn over all moneys, books and properties of the Local Union or other subordinate body to the Trustee, who must receipt for the same.

(d). Temporary officers and trustees must be members in good standing of Local Unions in good standing. They must give bonds for the faithful discharge of their duties, satisfactory to whoever appointed them, which shall not be less than the amount of money they are apt to handle.

(e). The Trustee shall take possession of all the funds, books, papers and other property of the Local Union or other subordinate body and tender a receipt for same. He shall pay all outstanding



claims, properly proved, if funds are sufficient. If the funds are not sufficient he shall settle the most worthy claims, as his judgment dictates, unless otherwise provided for in this Constitution. In the event the charter of the Local Union or other subordinate body is suspended or revoked, all its funds, books, papers and other properties shall be forwarded to the General Secretary-Treasurer, who shall hold it for the purpose of reorganization. If no reorganization occurs within a period of two (2) years, such funds shall be transferred to the general funds.

(f). In all cases of Trusteeships, the Trustee shall make a report to the General President at intervals of no more than every six (6) months which report shall contain his recommendations with respect to whether the Trusteeship shall be continued or terminated.

The first (1st) such report shall be made within six (6) months after the date of the decision following the hearing on the appointment of a Trustee.

Additionally, the Local Union, or other subordinate body in regular or special membership meeting by a majority vote, may petition the General President for the restoration of self-government provided that no such petition shall be presented at intervals of less than six (6) months starting with the date of the decision following the first hearing on the appointment of the Trustee.

When a Local Union or other subordinate body petitions for restoration of self-government as herein provided, it shall be accorded a hearing which shall be commenced within thirty (30) days and decision made within sixty (60) days after the receipt of the petition and which shall be held in the same manner as provided in Section 5 (a) of this

Article relative to hearing on initial appointment of Trustees.

No temporary Trusteeship shall continue more than two (2) years after the date of the decision following the first (1st) hearing on the appointment of a Trustee, unless the General Executive Board, upon a showing satisfactory to it and set forth in a written decision, determines that such Trusteeship be continued under such terms and conditions and for such further period it believes advisable. When the Trustee recommends self-government be restored, or when the Local Union or other subordinate body petitions for such restoration, and such restoration is approved and ordered by the General President, or General Executive Board, or when the General President or General Executive Board direct that self-government be restored, the Trustee shall direct an election at such time as he may designate, any other provision of this Constitution or Local Union rules or by-laws to the contrary notwithstanding and following such election and installation, the Trusteeship shall terminate and the Trustee shall return all remaining funds, property, books and papers to the appropriate officers of the Local Union or other subordinate body.

### **Removal of International Union Organizers**

Section 6. The General President, when he deems it for the best interests of the International Union, is hereby empowered to remove any International Organizer or Conference Chairman with the approval of a majority of the General Executive Board.

### **Official Journal**

Section 7. (a). The official Journal shall be published under the supervision of an editorial staff of not less than two (2) members selected by the

General President and approved by the General Executive Board, such staff to work under the direction of the General President, but to be responsible to and guided in its policies by the General Executive Board. A copy of the Journal shall be sent directly to each member in good standing who may furnish his name and address to the General President through the Local Union Secretary-Treasurer. The General President shall be empowered to employ such help as he may need to carry on this work.

(b). The Local Union Secretary-Treasurer shall at reasonable intervals provide the Office of the General President with current lists of members in good standing so that they may receive the Journal.

### **Vacancy in Office of General President**

Section 8. The First Vice-President shall, without additional compensation, assume the duties of the General President in case of death, disability, resignation or removal of that officer, until such time as a Special Convention shall elect a General President who shall hold office for the balance of the unexpired term. The First Vice-President, within five (5) days after assumption of the duties of the General President, shall convene the General Executive Board for the purpose of calling such Special Convention, which shall take place within sixty (60) days thereafter. The General Executive Board shall establish the rules and procedures for the calling and holding of such Special Convention. However, if the vacancy occurs within six (6) months of the next regular convention then instead of a Special Convention the regular convention shall be convened at the earliest possible date. Vacancies, if any, in the office of the General President, between the time of election and December 1, of such

year, shall be filled by the President-elect, effective as of the date the vacancy occurs.

## *Article VII*

### **GENERAL SECRETARY-TREASURER—DUTIES AND POWERS**

#### **General Duties**

Section 1. The General Secretary-Treasurer shall be custodian of all of the properties, funds, securities, and assets of the International Brotherhood of Teamsters wherever located. He shall conduct all financial correspondence involving or affecting the International Union and all financial correspondence between the International Union and any affiliate or subordinate body of the International Union, and his signature shall, as a ministerial act, be required on all instruments, documents, deeds or other papers of any nature whatsoever requiring or involving the investment of any of the funds of the International Union. The General Secretary-Treasurer shall keep a correct record of the proceedings of the conventions of the International Union and of each meeting of the General Executive Board, preserve all important documents, papers, letters received and copies of all important letters involving the International Union and which pertain to the functions and responsibilities of the Office of the General Secretary-Treasurer. He shall supply each delegate to any convention of the International Union with a copy of the correct record of the proceedings of any such convention, and shall supply each member of the General Executive Board with a correct copy of the record of the proceedings of each meeting of the General Executive Board.

Section 2. (a). The General Secretary-Treasurer shall have primary responsibility for the payment



from the general fund of all financial obligations, commitments and expenditures of the International Union. Requests or requirements for payments from the general fund shall be submitted to the General Secretary-Treasurer and shall be supported by written authorization in the form of statement, bill, invoice, voucher, disbursement authorization or similar written instrument. All such requests or requirements for payment from the general fund as indicated above shall, prior to payment, be reviewed and approved as to the validity of such claim by the General President and as to the adequacy of supporting data by the General President and the General Secretary-Treasurer or by representatives duly appointed by each, provided such representatives are appropriately bonded. Following approval as above the General Secretary-Treasurer shall make payment by check under his individual signature for the following classes of financial obligations of the International Union:

- (1) Routine or recurring expenditures incurred in the operation of the General President's and General Secretary-Treasurer's office, such as general office expense, administrative and clerical salaries, building maintenance expenses, salaries or compensation of officers, organizers and other representatives or staff members of the International Union, including expenses of such individuals as authorized by the International Constitution, real and personal property taxes, and other types of taxes, interest payments, and all other similar regularly recurring expenses of the International Union, provided that the General Executive Board shall first have given general authorization for payment of such type of financial obligations.

- (2) Expenditures such as strike benefits, or advances or payments to Conferences, Trade Divisions, Local Unions or Joint Councils and other similar specific expenditures all of which, however, have, prior to payment thereof, been specifically authorized by the General Executive Board or this Constitution.

(b). All expenditures from the general fund, other than those provided in 2 (a) above, necessary to the operation of the International Union, shall be approved by the General President and General Secretary-Treasurer. In the event of disagreement between the General President and the General Secretary-Treasurer concerning the making of any payment the matter shall be submitted to the General Executive Board for determination, which determination shall be final and binding.

(c). The General President and General Secretary-Treasurer and all other representatives or employees of the International Union who handle any funds of the International Union or subordinate body thereof or are involved in the making of any expenditures from the general fund shall be bonded in amount sufficient to protect the International Union.

(d). In event of the incapacity of any person authorized by this Constitution to sign checks or documents, the General Executive Board shall designate another person to exercise such authority.

### **Issuance of Charter**

Section 3. Application for charter shall be made to the Joint Council or to the Conference if there is no Joint Council, who shall forward it to the General Secretary-Treasurer who shall sign, issue and deliver a charter to the Local Union upon receipt of the following contract, which must be signed by the

Secretary-Treasurer of the Local Union and the Joint Council Secretary.

All charter applications must be signed by no less than seven (7) members employed within the jurisdiction of the International Union, and must be jointly approved by the General Secretary-Treasurer and General President and a majority of the General Executive Board.

Affiliation with and the issuance of a charter by the International Union and compliance with all the provisions and requirements of this International Constitution are in no way conditional upon the affiliation or non-affiliation of the International Union with any other organization either at the time of the issuance of a charter or subsequent thereto.

### Charter Contract

Know all men by these presents, that I, .....  
....., Secretary-Treasurer  
of the ..... Local  
Union ....., located at  
....., being authorized  
to act for said Local Union, in consideration of the  
General Secretary-Treasurer issuing a charter to  
said Local Union hereby agree: That said charter  
shall remain the property of the International  
Brotherhood of Teamsters, Chauffeurs, Warehouse-  
men and Helpers of America; and in consideration  
of the premises herein stated, agree that when  
charter is framed, the frame shall immediately be-  
come the property of the International Brotherhood  
of Teamsters, Chauffeurs, Warehousemen and Help-  
ers of America. Said Local Union shall have custody  
of said charter until it is demanded by some person  
authorized to make such demand, in accordance  
with this Constitution; and the charter and frame

shall then be delivered to the person so authorized to demand and procure the same; and it is further agreed that any person so authorized may enter any premises occupied by the said Local Union or any of its members and take possession and remove the said charter.

I do further recognize and acknowledge in behalf of Local Union ..... that the name and all rights and privileges hereunder, are granted this Local Union by the International Union, and that all books, documents, contracts, name, moneys, funds and property of any nature and description which may be obtained, accumulated and maintained by this Local Union will result, be obtained, accumulated or maintained by the granting of this charter and the rights and privileges thereunder, therefore, in the event this charter is revoked, upon such revocation, all books, documents, contracts, name, moneys, funds and property shall belong to and shall be delivered over to the International Union by it to be retained, as provided for in Article X, Section 15 thereof, until the charter is reinstated or a successor Local Union or Local Unions are chartered.

I do further agree in behalf of Local Union ....  
..... that it will abide by the provisions of the International Constitution and amendments thereto, all of which are incorporated herein by reference.

.....  
By its Secretary-Treasurer.

### **Financial Report**

Section 4. (a). The General Secretary-Treasurer shall issue semi-annually a financial report summarizing the assets and liabilities of the International Union stating the net worth of that organiza-



tion and also a statement of receipts and disbursements together with a certified public accountant's statement as set forth in Section 1 of Article VIII. Such report shall be published semi-annually in the official Journal of the International Union. At any time a financial report is requested by the General Executive Board, the General Secretary-Treasurer shall furnish such a report consisting of assets, liabilities and net worth of the International Union.

(b). The General Secretary-Treasurer shall furnish the Secretary of each Local Union with a roster, which shall be kept current at least semi-annually, showing the International Officers, Local Unions, Joint Councils, Area Conferences and Trade Divisions of the International Union.

### **Method of Determining Representation**

Section 5. The General Secretary-Treasurer, on sending out credentials, shall figure from June 1, 1960, to four (4) months preceding the opening date of the next convention to ascertain the per capita tax paid by Local Unions; the number of delegates given to Local Unions shall be upon this basis. Where it is not possible to hold the convention at the time prescribed by ARTICLE III, Section 1, because of an emergency, the additional per capita tax payments involved shall be taken into consideration in computing the average monthly membership for the determination of the number of delegates to which the Local Union shall be entitled (See also Article III, Section 2).

### **Finances**

Section 6. (a). The General Secretary-Treasurer shall receive all moneys due from Local Unions and other sources, giving his receipt therefor. All moneys shall be placed in banks approved by the

General Executive Board in the name of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.

(b). At least twenty-five (25%) per cent of the funds and assets of the International Union (exclusive of real estate, buildings and furnishings) shall be kept in interest-bearing bank accounts and short-term government obligations as directed by the General Executive Board.

### **Staff and Audits**

Section 7. The General Secretary-Treasurer may appoint International Auditors and their salaries per diem and expenses shall be fixed in accordance with the provisions of ARTICLE V, Sections 1(d) and (e), the number of such auditors to be determined by the General Executive Board. The General Secretary-Treasurer, when he deems it for the best interest of the International Union, is hereby empowered to remove any International Auditor, with the approval of the majority of the General Executive Board. Local Unions, Joint Councils, Conferences or subordinate bodies and joint operations which receive any donations, advances, matching funds or special payments of any nature from the International Union shall keep full financial records respecting the same and the manner in which they are expended. The books of every Local Union, Joint Council, Conference, and joint organizing fund shall be audited by a certified public accountant at least once a year, at its expense, and by the International Union every two (2) years. Copies of the annual audit shall be forwarded to the General Secretary-Treasurer and such information as necessary to comply with U. S. Internal Revenue Form 990 shall be made available to the membership of the subordinate bodies. If the subordinate bodies fail to

make an annual audit the International Union shall do so.

### **Notification of Local Unions in Arrears**

Section 8. It shall be the duty of the General Secretary-Treasurer to notify the Secretary-Treasurer, the President and the three (3) Trustees of the Local Union when said Local Union becomes in arrears for per capita tax.

### **Seals; Stamps; Supplies**

Section 9. (a). The General Secretary-Treasurer shall procure all seals, stamps and supplies and furnish same to all Local Unions desiring them. (It shall become compulsory upon all Local Unions to procure from the International Union, with the exception of letter paper and envelopes, all supplies handled by the International Union, as listed from time to time on International Union order blanks furnished for that purpose.)

(b). Individual members or Local Unions, shall not have the power to duplicate the stamps, buttons or paraphernalia issued by the International Union. Permission may be granted by the General Executive Board to subordinate bodies to have stationery and other minor supplies procured in their several localities.

### **Other Duties**

Section 10. The General Secretary-Treasurer shall perform such other duties as are required of him by this Constitution.

## **Article VIII**

### **TRUSTEES—DUTIES**

#### **Audit of Books**

Section 1. The Trustees shall audit the books of the General Secretary-Treasurer on the first (1st)

of January and July of each year, utilizing the assistance of certified public accountants designated by the General President, and report their findings immediately to the General President, and he shall, in turn, report to the General Executive Board. Such audit of the books of the General Secretary-Treasurer shall include the books respecting all properties and facilities under the custodianship of the General Secretary-Treasurer. A copy of such semi-annual reports of the Trustees shall be furnished to the members of the General Executive Board.

### **Fiscal Year**

Section 2. The fiscal year shall commence on the first (1st) of January.

## **Article IX**

### **GENERAL EXECUTIVE BOARD—DUTIES AND POWERS**

#### **General**

Section 1. Such powers, duties and authority as are not otherwise delegated to the officers of the International Union shall be exercised, acted upon, and determined by the General Executive Board. The General Executive Board shall have the authority to interpret and apply the Constitution and laws of the International Union, and to decide on all questions of law thereunder subject to appeal to the next convention.

#### **Revocation and Suspension**

Section 2. (a). Unless otherwise provided in this Constitution, the General President, or General Secretary-Treasurer, when they deem it necessary to suspend or revoke a charter, shall immediately notify the members of the General Executive Board, for their approval of same.



(b). Any Local Union suspended by the General Executive Board shall lose, for the period of its suspension, all privileges of the International Union and the local central labor body shall be notified to exclude its delegates.

### **Power To Debar From Membership**

Section 3. (a). The revocation or forfeiture of a charter of a Local Union for any cause whatsoever shall permit the loss of membership in the International Union of all members of the Local Union whose charter was revoked or forfeited. Upon reorganization of such Local Union the General Executive Board shall have the power to exclude from membership, in the new Local Union, persons who were in any way responsible for the revocation or forfeiture of the charter or who, the General Executive Board has reason to believe, are disloyal to the International Union or who may cause disruption in the newly organized local union.

(b). With respect to new applicants to any Local Union the General Executive Board shall have power to deny membership, in the International Union, to any such applicant when it believes the interest of a Local Union or the International Union will be best served by so doing.

### **Trial of Member Assaulting General Officer or Organizer**

Section 4. Any member or number of members of a Local Union assaulting or injuring a general officer, or organizer, shall be tried and if found guilty punished by the General Executive Board on such charge in the same manner as hereinafter provided for other trials and punishments by the General Executive Board. If he is found not guilty, his expenses to the place of the General Executive Board meeting shall be paid by the General Office.

If he is found guilty he shall be disciplined as the judgment of the General Executive Board dictates and his expenses shall not be paid. If he desires not to attend his trial, he may submit his answer or defense in writing to the Board.

## **Meetings of General Executive Board**

Section 5. The General Executive Board shall hold quarterly meetings at such specific time and place as shall be determined by the General President. Upon the written request of a majority of the General Executive Board to the General President it shall be the duty of the General President to call a meeting of the General Executive Board within thirty (30) days. A majority of the members of the General Executive Board shall constitute a quorum for the transaction of its business. The provision of ARTICLE IX, Section 5, with respect to meetings of the General Executive Board, shall not become effective until December 1, 1957.

## **Action When Not in Formal Session**

Section 6. In all matters requiring action by the General Executive Board, and when the General Executive Board is not in formal session, the General Executive Board may act by telegram, letter or long distance telephone. When the General President requires action by the General Executive Board, he may obtain the same by telegraphing, writing or telephoning to the members of the General Executive Board, and such members may take action on the matter brought to their attention in the same manner; provided, however, that whenever action is sought by any of the foregoing methods, all members of the General Executive Board shall be polled and the action of each individual member

shall be made known to the remaining members of the General Executive Board; and, provided further, that in respect to any action obtained by telephone such action shall be by conference telephone call and shall immediately be confirmed by the individual member taking the same by written letter. Such action so taken by the majority of the members of the General Executive Board shall constitute action of the General Executive Board as though the General Executive Board were in formal session; provided, however, that any such action shall be confirmed at the next formal session of the General Executive Board.

### **Special Conventions**

Section 7. Special conventions may be called when a majority of the members of the General Executive Board deem it necessary. The General Executive Board shall establish the rules and procedures for the calling and holding of special conventions.

### **Employment of Clerical Help**

Section 8. The General President and General Secretary-Treasurer respectively shall have the power to employ such clerical assistance for their respective departments as may from time to time be necessary. Such help shall be paid reasonable salaries from the general fund, which salaries shall be appropriately classified so as to provide for uniformity of compensation for the general type of work in both departments. All of the foregoing shall be subject to the approval of the General Executive Board.

### **Retirement Plan**

Section 9. The present Trust Agreement, as

amended and as it may be amended from time to time in accordance with the provisions thereof, establishing an International Union Pension Plan as previously authorized, shall remain in effect.

## **Article X**

### **INITIATION FEES, PER CAPITA TAX, ETC.;**

#### **BOOK AUDITS OF LOCAL UNIONS**

#### **Revenue**

Section. 1. The normal operating income of the International Brotherhood of Teamsters shall be derived as follows:

(a). Organization fee, which includes charter, seal and all other organization supplies, fifteen dollars (\$15.00).

(b). Sale of other supplies.

(c). From the sale of stamps of the following denominations: initiation stamps, one dollar (\$1.00); provided, however, where the initiation fee exceeds twenty-five dollars (\$25.00), ten percent (10%) thereof; and monthly dues stamps (per capita) forty cents (40¢).

#### **Assessments for Emergencies**

Section 2. Whenever the assets of the International Union, except the headquarter's properties, run below twenty million dollars (\$20,000,000) the General Executive Board shall levy an assessment of one dollar (\$1.00) per member per month on all Local Unions, until such assets reach twenty-five million dollars, (\$25,000,000). Any Local Union failing to pay the assessment shall not be entitled to any of the benefits of the International Organization. After being properly notified and given a reasonable length of time, if the Local Union further



refuses to pay the assessment, said Local Union shall be suspended. Any Local Union failing to pay the assessment shall not be represented at the International Convention.

### **Payment of Initiation Fees, Reinstatement Fees, and Per Capita Tax**

Section 3. (a). Each Local Union shall pay to the General Secretary-Treasurer the sum of one dollar (\$1.00) for every initiation fee or equivalent thereof collected up to and including twenty-five dollars (\$25.00). When the initiation fee exceeds twenty-five dollars (\$25.00) there shall be paid to the International Union ten per cent (10%) of the total initiation fee.

(b). Each Local Union shall pay to the General Secretary-Treasurer a per capita tax of forty cents (40c) per month, payable for the current month, not later than the tenth (10th) day of the succeeding month.

(c). All reinstatement fees paid into the Local Union shall be figured as monthly dues and the per capita tax must be paid on the same. The General Secretary-Treasurer shall receipt for all initiation fees and per capita tax by giving stamps of the above-named denomination.

(d). Area Conferences shall be financed by the payment of a monthly five cent (5c) per capita tax by the International Union to the Area Conference. Local Unions affiliated with Area Conferences shall pay a minimum of five cents (5c) per month per member to their respective Area Conferences. The provisions of Article X, Section 3 (d), shall not become effective until December 1, 1957.

### **Per Capita Tax; Preferred Payment**

Section 4. Per capita tax due the International

Union each month shall be paid before the payment of any other bills or obligations of the Local Union.

### **Payment of Dues and Fees and Receipt Therefor**

Section 5. (a). Any member paying his initiation fees, monthly dues or reinstatement fees shall receive stamps from the Local Union Secretary-Treasurer or his authorized representative who shall carefully paste the same on the space provided for in the member's official dues book, and cancel the stamps with the dater provided for this purpose and affix his signature (on the date the initiation fees, monthly dues, or the reinstatement fees are paid) and said stamps shall at all times be acknowledged as a receipt for payment in full for all amounts, as designated by the stamps. The foregoing shall be required only where the dues book system is still in effect. Where the prescribed accounting machine system is in use, the initiated member shall be issued an identification card and receipt for the payment of the initiation fee; payment of dues and reinstatement fee shall be acknowledged by machine receipt.

(b). Any member refusing to turn in his due book or identification card when requested shall be liable to a fine or suspension upon his Local Union Executive Board taking such action.

(c). All members paying dues to local unions must pay them on or before the first business day of the current month, in advance. Where membership dues are being checked off by the employer pursuant to properly executed checkoff authorization, it shall be the obligation of the member to make one (1) payment of one (1) month's dues in advance to insure his good standing. Thereafter, he shall remain in good standing for each consecutive month

for which the monthly check-off is made. Any member failing to pay his dues at such time shall not be in good standing. Any member who shall be three (3) months in arrears in the payment of dues, fines, assessments, or other charges, at the end of the third (3rd) month, shall automatically stand suspended and shall not be entitled to any rights or privileges as a member of the Local Union or International Union. Local Unions may provide suspension or expulsion for lesser period or arrearages.

(d). A Local Union may provide by-laws for the payment of quarterly dues, provided such by-laws are approved by the General President of the International Union. In any instance where a Local Union has provided for the payment of quarterly dues under this Section, any members thereof failing to pay such quarterly dues in accordance with such provisions shall not be considered in good standing.

(e). No other system of receipting for initiation fees, monthly dues or reinstatement fees will be recognized by the International Union.

### **Orders for Stamps and Supplies**

Section 6. All payments of fees and orders for supplies must be made on the regular official remittance statement and supply order blank and all money sent to the General Secretary-Treasurer must be sent by Local Union or cashiers check, post office or express money order.

### **Reports To Be Furnished by Local Union Secretary-Treasurer**

Section 7. The Local Union Secretary-Treasurer shall forward monthly to the General Secretary-Treasurer the names of all members initiated or reinstated, together with those who become suspended for non-payment of dues or for any other cause; also

a correct list of those who take transfer or withdrawal cards, and shall promptly notify the General Secretary-Treasurer upon the death of any member.

### **Surety Bond**

Section 8. (a). All Local Union Secretary-Treasurers, business representatives and others who handle funds and property of the Local Union upon assuming office, or employment, shall immediately procure a suitable surety bond or suitable collateral. Said bond must be procured from a recognized bonding company authorized to do business in the state where the Local Union is situated, a copy of which shall be kept on file at the General Office. The original shall be retained by the Trustees of the Local Union. The General Secretary-Treasurer may direct the increase or decrease in the amount of the bond when he deems it necessary and advisable.

(b). Any Local Union Secretary-Treasurer or business representative failing to obtain or secure or provide a suitable surety bond or suitable collateral satisfactory to the General Secretary-Treasurer or the General Executive Board shall automatically be deprived of holding any office for which a bond is required. Local Union officers failing to comply with this section shall subject the charter of such Local Union to suspension or revocation. The General President or the General Executive Board shall be empowered to suspend or revoke the charter of such Local Union for failure to comply with this section.

### **Filing of Monthly Audits**

Section 9 (a). The Trustees of all Local Unions shall send a copy of their audit at least quarterly to the General Secretary-Treasurer, to be placed on file in the Office of the General Secretary-Treasurer.



Books of all Local Unions must be audited monthly by the Trustees.

(b). It shall be compulsory upon the Trustees of all Local Unions or upon such other officer to whom the request is made to furnish such information as may be requested by the General Secretary-Treasurer pertaining to finances and payments on uniform blanks to be furnished for such purpose by the General Secretary-Treasurer.

### **Deposit of Money**

Section 10. It shall be compulsory upon all Local Unions to keep their money deposited in reliable banks in the name of the Local Unions, and all moneys paid out for the Local Union must be paid by check upon the order of the Local Union and signed by at least two (2) elective officers in the manner provided for by the Local Union by-laws.

### **Audit of Books of Local Unions**

Section 11. (a). Any organizer or officer of the International Union may be delegated, instructed and empowered by the General President or General Secretary-Treasurer to audit or to employ auditors to audit the books of any Local Union or Local Unions.

(b). Local Union officers shall give the delegated officer for examination, all books, bills, receipts, vouchers and records, bonds, securities or other evidences of ownership to property or investments, of the Local Union whenever requested.

(c). Any officer of a Local Union refusing to turn over the books, bills, vouchers or records to the delegated officer shall be subject to discipline under the provisions of Article XVIII, likewise, shall be liable to expulsion by the General Executive Board.

(d). Any member refusing to show his due book

or identification card with machine receipt to an authorized representative when asked shall be fined ten dollars (\$10.00).

(e). If the officer delegated to audit the books discovers any dishonesty or incompetency in the officers which warrants him in notifying the General President and General Secretary-Treasurer he shall do so and they shall take whatever action they deem advisable. The officers auditing books shall make a monthly report to the General President and General Secretary-Treasurer and shall have full power to go to any bank where a Local Union has its money deposited and investigate, and also get a certified balance sheet from the bank.

### **Arrearage in Per Capita Tax**

Section 12. Where the books of a Local Union have been examined and audited and arrearages to the General Office for per capita are found, same must be paid immediately. No per capita nor initiation stamps will be forwarded covering same, simply a receipt signed by the General Secretary-Treasurer covering the amount of per capita paid.

### **Penalty for Arrearage**

Section 13. Should a Local Union become six (6) months in arrears for per capita tax, their charter shall stand revoked. The General Secretary-Treasurer shall notify all Local Unions when two (2) months in arrears, but failure to receive such notice shall not prevent the suspension of the Local Union, should it become three (3) months in arrears.

### **Return of Funds, Books and Property Upon Revocation or Dissolution**

Section 14. When the charter of a Local Union is revoked, the Local Union or its officers shall be required to turn over all books, documents, property

and funds to the General President or his representative, or to the General Office of the International Union, and should a Local Union secede, disaffiliate or dissolve or be dissolved, or suspended or forfeit its charter, then all books, documents, property and funds shall likewise be turned over to the General President, or his representative, or to the General Office to be held until such time as the Local Union may be reinstated or reorganized. If no reinstatement or reorganization occurs within a period of two (2) years such funds shall be transferred to the general fund.

## **Reorganization**

### **Expenses Incurred in Recovering Property and Funds Are Chargeable to Funds or Property Recovered**

Section 15. Whenever a Local Union secedes, disaffiliates, or dissolves, or its charter is suspended or revoked, and demand is made upon such organization or its officers to deliver to the General President or his authorized representative the records, property and funds of such organization, and such demand is refused, then all expenses, of whatever nature, incurred by the International Union in recovering such records, property and funds, shall be a lawful charge upon the property and funds involved, and on recovery thereof, the International Union shall reimburse itself from the property and funds recovered. All property and funds shall be held by the International Union until reorganization has been effected (and shall be returned to the Local Union when the same has been reorganized. If no reorganization is effected within a two (2) year period, then all properties and funds

of such Local Union shall become the property and funds of the International Union. Reorganization shall be effected by and under the direction of the International Union.

## *Article XI*

### **FINANCE COMMITTEE—DUTIES**

Section 1. There shall be a Finance Committee consisting of seven (7) members of the General Executive Board, namely, the General President, the General Secretary-Treasurer, and five (5) Vice Presidents selected by the General Executive Board. A quorum of the Finance Committee shall consist of any five (5) members thereof. The General Executive Board shall have the power to remove any selected member of the Finance Committee by a majority vote. It shall be the general function of the Finance Committee, by majority vote, to pass upon and approve all investments of the funds of the International Union, and no investment of such funds can be made without such approval. It shall, however, be the specific function of the General President and the General Secretary-Treasurer to make all investments of the funds of the International Union, subject to the foregoing approval of the Finance Committee; and the General Secretary-Treasurer shall at all times keep the General Executive Board advised of all such investments.

No more than fifty thousand dollars (\$50,000.00) may be invested in the bonds of, or loaned to, any one (1) corporation or its principal officers or stockholders or its affiliates, directly or indirectly. All investments will be such as may be made by fiduciaries by the laws of the Commonwealth of Massachusetts.

Securities purchased shall be kept in a safety



deposit box or boxes which shall be opened in the presence of the General President or the General Secretary-Treasurer and at least one (1) other member of the Finance Committee.

Section 2. Each member of the Finance Committee shall be bonded in such sum and in such manner as the General Executive Board shall require.

Section 3. The General Executive Board shall be empowered, when it deems it necessary for the maintenance, protection and preservation of the labor movement, to make loans or advances to other labor organizations in a sum not to exceed in the aggregate three per cent (3%) of the total assets of the International Union excluding the headquarters properties. No other loan of any nature whatsoever shall be made from funds of the International Union except upon approval of the Finance Committee and the General Executive Board.

## *Article XII*

### **STRIKES, LOCKOUTS, WAGE SCALES, DISPUTES OVER JURISDICTION**

#### **Strike Action by Local Unions**

Section 1. (a). When any difficulty or dispute arises between the members of any Local Union and their employers, it shall be the duty of the officers of such Local Union to use every possible means of achieving a settlement or resolution of the difficulty or dispute through the processes of collective bargaining.

(b). If a settlement cannot be reached the Local Union shall, at a meeting, order a secret ballot to be taken, and it shall require a two-thirds ( $\frac{2}{3}$ ) majority of all members of the Local Union present to adopt a motion to strike. The ballot must be "Yes" or "No" written on paper ballots. In the

alternative the Local Union, if so determined by the Executive Board of such Local Union, may conduct such strike vote by referendum ballot of the entire membership in which event it shall also require a two-thirds ( $\frac{2}{3}$ ) majority vote of those responding to the referendum ballot in order to authorize a strike. In any strike situation the General President or the General Executive Board is authorized to direct that strike vote be taken by a referendum ballot.

(c). Prior to a Local Union becoming involved in a strike, boycott, lawsuit or any serious difficulty, such Local Union shall immediately notify the Joint Council of which it is a member of any contemplated action setting forth the action contemplated and nature of the difficulty. The Joint Council shall then take steps to approve or disapprove such contemplated action. The Joint Council shall notify the General President of the steps it has taken in respect to such contemplated action. The General President is authorized to approve, disapprove or modify the action of the Joint Council. Approval, disapproval or modification of the action of the Joint Council or the Local Union by the General President shall not operate to impose any liability on the International Union or its officers or to make them parties to any such action. The International Union does not assume any liability of any nature to any person or persons simply by reason of such approval, disapproval or modification.

(d). The Executive Board of a Local Union may, in its discretion, provide that the strike vote mentioned in Section 1 (b) above, be limited to the members employed in a particular division, craft, or place of employment. In cases of Area Conferences, the provisions of this Article, with respect to strike votes, shall be satisfied if a majority of the Local

Unions affiliated with such Area Conference have voted to strike in accordance with the provisions of this Article, in which event such strike vote shall apply to all such affiliated Local Unions. Strike votes shall not be required in any case where a collective bargaining agreement then in existence authorizes such strike for the purpose of enforcing the terms of such agreement.

### **Payment of Benefits**

Section 2. The General Executive Board shall have the power to pay out the entire International Union's Treasury to a Local Union that is on strike where the General Executive Board has recognized the strike as one properly subject to the payment of the constitutional benefits provided for herein.

### **Consent of General Executive Board**

Section 3. Any Local Union going out upon strike without prior recognition thereof by the General Executive Board as being a strike properly subject to the payments of strike benefits, under the provisions of this Constitution, shall not be entitled to financial benefits from the International Union, provided for by the Constitution, except, however, where less than two hundred (200) employees are involved the General President may approve the strike for the purpose of strike benefits.

### **Strike Benefits**

Section 4. Strike benefits in strikes recognized as properly subject to the payment of strike benefits or relief in cases of lockouts, etc., shall be paid to all members not in arrears for dues in excess of one (1) month and otherwise in good standing, who are members of a Local Union not more than one (1) month in arrears in per capita tax at the rate of



fifteen dollars (\$15) per week; provided that whenever the total net assets of the International Union shall reach an amount more than five million dollars (\$5,000,000.00) below the amount of such assets as disclosed by the General Secretary-Treasurer's report to the 1952 convention then, and in that event, the rate of strike benefits shall revert back to ten dollars (\$10) per week for such period of time as such total net assets shall remain below such amount. Such strike benefits will be payable at the end of the second (2nd) week of the strike or lockout; but in no case shall a fraction of a week's strike pay be allowed nor the first (1st) week of a strike or lockout be paid for, provided that in the last week of a strike the first four (4) days or more of such strike shall be considered a week; any arrearages for dues, and dues one (1) month in advance shall be deducted from the first (1st) payment of benefits and duly credited to the member or members so in arrears so as to maintain such member or members in good standing and preserve his or their rights, if any, to financial benefits. All members shall be entitled to the strike benefits provided for herein for such a period of time as the General Executive Board shall determine.

### **Requirements for Payment of Strike Benefits**

Section 5. (a). No Local Union shall receive strike benefits from the International Union unless the Local Union has been six (6) month in good standing, provided that Local Unions chartered for a period of six (6) months or less prior to applying for strike benefits must have been in continuous good standing from the time of their chartering in order to be eligible for strike benefits. Benefits shall be paid for strike or lockout to all other member employees of the primary employer at all ter-



minals or places of employment of the primary employer involved if such member employees shall become unemployed as a direct result of the strike or lockout, provided the General Executive Board has approved the same at the time of approving the request for strike benefits. The General Secretary-Treasurer may in his discretion disburse strike benefit payments through a representative designated by him. The provisions of Article XII, Section 5 (a), shall not become effective until December 1, 1957.

(b). A Local Union or member more than one (1) month in arrears for per capita tax or dues shall not be entitled to strike benefits, and should a Local Union or member become three (3) months in arrears for per capita tax, dues, fines, etc., they shall stand suspended and shall not be entitled to benefits for three (3) months after all arrears have been paid.

(c). No member of a Local Union on strike shall be entitled to a weekly benefit unless he appears in person at headquarters, or other designated place, and reports daily to the proper officers of the Local Union or International Union while the strike continues, and no member who shall receive a week's work (three (3) days to be considered a week) shall receive benefits. Any member refusing to work for an employer considered fair, while on strike, shall be debarred from all benefits under this law.

### **Payrolls, Reports**

Section 6. (a). The General Secretary-Treasurer shall, on or about the end of the second (2nd) week and each succeeding week of a strike or lockout, forward to the Local Union Secretary-Treasurer or deputy a check covering a sufficient amount to pay

each week's benefits, and he shall also furnish blank payroll sheets on which each member shall sign for the amount received, said payroll to be made in duplicate.

(b). The Local Union Secretary-Treasurer or deputy shall forward the original payroll to International Union Headquarters, but shall retain a carbon copy of the same for future reference, and the Executive Board of the Local Union that is on strike shall endorse the payroll.

(c). Failure to receive receipted payroll sheets in due time at the General Office will be sufficient cause for the discontinuance of benefits to any Local Union failing to comply with this law.

(d). During the continuance of a strike the deputy or strike committee of the Local Union shall make weekly reports to the General Secretary-Treasurer, showing the amount of moneys distributed for benefits, the number of beneficiaries and all other facts that may be required.

### **Termination of Strike**

Section 7. The general President with the concurrent approval of three-fourths ( $\frac{3}{4}$ ) of the General Executive Board, and after having given the subordinate body the right to appear before the General Executive Board before action is taken, shall have the power to declare the same at an end so far as the financial aid of the International Union is concerned, when satisfied upon facts and information in their possession that the support of a strike or lockout should cease. The provisions of Article XII, Section 7, shall not become effective until December 1, 1957.

### **Return of Unused Strike Funds**

Section 8. All moneys from the International Un-

ion remaining unused by the Local Union at the close of the strike or lockout shall be returned at once to the General Secretary-Treasurer.

## **Lockout**

Section 9. Among other circumstances, a declaration on the part of an employer, or a combination of employers, to the effect that their employees must cease their connection with the International Union or cease work, shall be deemed a lockout. In case a lockout is reported to the International Union, the General President shall endeavor to obtain a satisfactory proof that the difficulty is a bona fide lockout. Also a lockout shall be deemed to exist when an employer refuses to permit his employees to continue at work, unless such employees agree to a substantial and material breach of an existing agreement or refuses to permit work with or without stated reasons or conditions. Lockout benefits, at the same rate as strike benefits, shall be paid under the same terms and conditions as strike benefits, excepting that neither strike votes nor prior notice to the International Union shall be required as condition of eligibility, and such lockout benefits shall be payable after the first week of such lockout. The provisions of Article XII, Section 9, shall not become effective until December 1, 1957.

Section 10. Nothing herein contained concerning the manner of calling strikes or concerning the legality of strikes for the purpose of obtaining the payment of International Union's strike benefits shall affect the legality of the strike in respect to the employer against whom the Local Union instituted such strike; nor shall any provision contained herein concerning strike recognition for payment of strike or lockout benefits be intended to constitute



the International Union a party to such strike or lockout.

## **Wage Scales and Approval Thereof**

Section 11. (a). Proposed collective bargaining contracts or amendments thereto shall be submitted to the Joint Council and Area Conference if required by the Area Conference by-laws for approval before the submission to the employer. If no Joint Council exists it shall be submitted to the State or Area Conference for its approval. In those cases where the proposed contract is for operations which are already subject to an area-wide agreement or a prospective area-wide agreement is already planned, the proposed contract shall be submitted to the Area Conference for approval before submission to the employer. The provisions of Article XII, Section 11 (a), shall not become effective until December 1, 1957.

(b). True copies of final agreements arrived at by any subordinate body shall be filed with the Research Department of the International Union and of the Area Conference within sixty (60) days after consumation. The provisions of Article XII, Section 11 (b), shall not become effective until December 1, 1957.

(c). Approval or disapproval by the International Union, Area Conference or Joint Councils of wage scales or other agreements is not intended to impose any liability on such organizations or its officers; and such organization and its officers do not assume any liability of any nature to any person or persons for such approval or disapproval.

(d). In such instances where the General Executive Board receives information of the proposed execution of a contract which affects the interests



of either the members involved or any other members of the International Union by providing working conditions or earnings less than those prevailing in the area, it shall have the power to hold a hearing on such matters and may, by a majority vote, direct the subordinate body to refrain from executing such agreement, and in such circumstances no proposed agreement shall become valid and binding unless specifically approved by the General Executive Board.

The General Executive Board shall also have the power to take such disciplinary action as it deems necessary after proper notice according to this Constitution in those cases where it finds that a subordinate body or its representatives have without good cause executed agreements which adversely affect members of this International Union within the jurisdiction of the particular Joint Council. The provisions of Article XII, Section 11 (d), shall not become effective until December 1, 1957.

### **Disputes Over Jurisdiction**

Section 12. Where two (2) or more Local Unions are in dispute concerning jurisdiction, there shall be no work stoppage of the involved operation, but such controversy shall be submitted for determination to the Joint Council. If any party to such dispute is aggrieved by the decision of the Joint Council, it may appeal to the General President for the appointment of a special committee which in his discretion he may appoint for the purpose of holding a hearing and making a report and recommendations on the issues raised. The committee shall make its report and recommendations to the General Executive Board for its decision, which shall be final and binding. The parties shall not be entitled to any

further hearing or appearances before the General Executive Board. Pending and as a condition to appeal and until such time as the General Executive Board makes its decision, any party taking an appeal under this Section shall comply with the determination of the Joint Council.

Any Local Union violating this provision and engaging in any strike or work stoppage or refusing to comply with the decisions so rendered in accordance with this provision, shall be subject to the appointment of a Trustee, revocation of charter, or such other penalty which the General Executive Board may propose.

### ***Article XIII***

#### **ASSISTANCE TO LOCAL UNIONS**

##### **General Assistance to Local Unions**

Section 1. No Local Union shall receive financial assistance from the International Brotherhood of Teamsters unless the Secretary-Treasurer of said Local Union has been bonded in accordance with the provisions of this Constitution.

##### **Assistance From Sister Local Unions**

Section 2. All Local Unions affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, soliciting financial aid or other monetary consideration from sister Local Unions, must first receive official approval and endorsement from the General Executive Board.

## **Article XIV**

### **CHARTER MEMBERS, DUES, MEETINGS OF LOCAL UNIONS**

#### **Charter Members**

Section 1. (a). Charter members shall consist of the names forwarded to International Union Headquarters with the application for charter, and Local Unions must procure initiation stamps for all charter members, but charter members shall not be required to pay per capita tax for the month in which they receive their charter.

(b). Charter members shall receive a free copy of the Constitution and official due card from the International Union.

(c). A Local Union may, by majority vote, keep its charter open for a term of thirty (30) or sixty (60) days after receiving the same, but all members initiated must have their official due cards stamped as provided by Article X, Section 6 (a).

#### **Dues and Meetings of Local Unions; Forfeiture of Financial Benefits for Failure to Hold Meetings**

Section 2. (a). Dues of members of all Local Unions chartered by the International Union shall not be less than three dollars (\$3.00) per month; provided that in the case of Local Unions chartered after the 1952 convention, unless otherwise approved by the General Executive Board, the dues of the members of such Local Unions shall be not less than two dollars (\$2.00) for the first (1st) year following such chartering.

(b). All Local Unions must hold meetings at least once a month, except where otherwise approved by the General Executive Board. The General Execu-

tive Board shall establish such conditions relative to the holding of meetings as in its judgment it deems advisable. Provided, however, meetings may be suspended by action of the Local Union without such approval during any three (3) consecutive months in the period from June through October. The provisions of this subsection shall be satisfied if the monthly meetings provided herein are held, by division, craft or place of employment, as a result of Local Union action.

(c). Any Local Union failing to comply with this Section during the twelve (12) month period immediately preceding application for benefits or in the case of a Local Union chartered for less than twelve (12) months during the period following its chartering shall not be entitled to any financial or other benefits from the International Union, provided that the General Executive Board may, for good cause shown, waive the requirements of this Constitution in respect to the paying of financial or other benefits and authorize the paying of same. The General Executive Board may revoke the charter of any Local Union failing to comply with this section.

## *Article XV*

### **JOINT COUNCILS**

#### **Formation of Joint Councils**

Section 1. (a) Whenever three (3) or more Local Unions are located in one (1) city they shall form a Joint Council, but where there are only a few Local Unions in small cities or towns adjoining or adjacent to large cities, they shall affiliate with the Joint Council in the large cities.

(b). In localities composed of small cities and towns, the General Executive Board shall decide



when, where and by whom Joint Councils shall be formed. Should any dispute arise as to the jurisdiction of a Joint Council, it shall be decided by the General Executive Board.

(c). Whenever in the judgment of the General Executive Board the jurisdiction of a Joint Council should cover a wider area, the General Executive Board may so order.

## **Representation**

Section 2. (a). Each Local Union shall be entitled to seven (7) delegates, excluding its Business Representative.

(b). The seven (7) executive officers of each Local Union shall constitute the delegates to the Joint Council. The Business Representative shall be entitled to the floor, but cannot introduce a motion or vote.

## **Dues**

Section 3. Local Unions shall pay monthly dues, proportionate to their numerical strength, sufficient to maintain the organization.

## **Judicial Powers**

Section 4. (a). Joint Councils shall have full power to adjust all questions of jurisdiction between Local Unions, subject to the provisions of Article XII, Section 12, to try cases against Local Unions, cases appealed from Local Unions, and to try individual cases which Local Unions refuse or neglect to try in accordance with the trial procedure provided for in Article XVIII.

(b). Should any member violate his obligation by refusing to employ union men, or to patronize and assist members of the International Union,

the member who may have been aggrieved shall present his case in writing to the Joint Council and if there is no Joint Council then to the General Executive Board and they shall hear and decide the case and report their decision back to each affiliated Local Union.

(c). In order to facilitate the work of the General Executive Board, the General President is empowered to appoint a grievance committee of three (3) members to hear appeals and to refer to it appeals taken to the General Executive Board. The grievance committee shall meet at the time and place designated by the General President. This committee shall afford the parties to the appeal the same character of hearing as would be given the parties by the General Executive Board and the same procedure shall apply as is provided for appeals to the General Executive Board. When the hearing is concluded before the committee, it shall make its report and recommendations to the General Executive Board for disposition of the appeal: The decision in the case shall be made by the General Executive Board. The parties to the appeal shall not be entitled to further hearing or further personal appearance before the General Executive Board.

### **By-Laws for Joint Council**

Section 5. A Joint Council may make such by-laws as it deems proper, provided it does not conflict with the laws of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. Such by-laws and amendments thereto shall be submitted to the General President for approval and shall have no force nor effect until approved by the General President; regardless of approval, if any conflict should arise between such by-laws or amendments thereto and the Interna-

tional Constitution or amendments thereto, the provisions of the International Constitution shall control. If the General President's office fails to approve the by-laws the matter may be referred by the Joint Council to the General Executive Board.

## **Affiliation of Local Unions**

Section 6. All Local Unions within the jurisdiction of the Joint Council shall affiliate with the Joint Council, comply with its laws and obey its orders.

## **Conferences**

Section 7. (a). Experience has demonstrated that Conferences are necessary to this International Union and its affiliates and are organic bodies within this International Union. Therefore, Conferences shall be organized on such geographical areas or trade divisions as the General Executive Board may direct. They shall be at all times subject to the supervision and control of the International Union and they shall function under rules laid down by and by-laws approved by the General Executive Board. The International Constitution shall supersede Conference by-laws in the event of conflict.

(b). All Local Unions must affiliate with and participate in the activities of the Area Conference and State Conference, if any, having geographic jurisdiction over such Local Union.

Where a majority of Local Unions in a state petition the General Executive Board for a State Conference charter and the charter is granted, thereafter it shall be compulsory upon all Local Unions in that state to be affiliated with that Conference.

The function of State Conferences shall be set forth in their by-laws which must be approved by the General Executive Board.

(1). The Chairmen of the Area Conferences shall be appointed by the General President. Executive Boards of the Area Conferences shall be elected by the delegates to such Conferences. Upon his appointment the Chairman shall become an employee of the International Union subject to the supervision of the General President and General Executive Board and his salary shall be fixed by the General Executive Board.

Chairmen of the Area Conference Trade Divisions may be appointed by the Area Conference Chairman subject to the approval of the Conference Executive Board. Area Conference by-laws shall govern the method of selecting or electing chairmen of the Area Conference Trade Divisions.

(c). Upon completion of negotiations by an Area or Trade Conference of an industry or area contract such contract shall be submitted to the membership covered by said contract proposal for their approval or rejection.

If a majority of the votes cast by Local Union members covered by such contract approve such contract it shall become binding and effective upon all Local Unions involved and their members. Provided, however, no Local Union shall suffer any loss of a working condition better than that in the contract and provided further that no Local Union shall suffer any economic loss unless mutually agreeable.

(d). In the event any Conference negotiates a contract which involves, affects or relates to operations of the employer or employers within the jurisdiction of other Conferences, notice of intent to execute such contract shall be given to the Conference or Local Unions involved in such other jurisdiction who may within ten (10) days thereafter, protest the application of such contract in their area. Failure to file such protest shall be consid-



ered a waiver of any objections to such contract, but shall not be considered an acceptance of such contract as a substitute for, or in variance of, existing agreements to which the other Conferences or Local Unions are parties.

In the event of protest, and if the parties cannot adjust the same, the matter shall be submitted to the General Executive Board for its determination, and no such contract shall become finally effective until the determination by the General Executive Board.

No provision of subsections (c) and (d) shall change existing, established collective bargaining patterns unless agreed to by all the Local Unions in the bargaining unit affected or unless Area Conference by-laws provide otherwise.

All employers negotiating contracts with Area Conferences, or with subordinate bodies, shall be provided with a copy of this Article at the time negotiations are started so they will have notice of the approval necessary for a binding contract. The provisions of Article XV, Section 7, shall not become effective until December 1, 1957.

## ***Article XVI***

### **CHARTERED MISCELLANEOUS LOCAL UNIONS**

Section 1. (a). Whenever there is not a sufficient number of any one (1) craft, a mixed Local Union may be formed. There shall be only one (1) Local Union of any craft chartered in any city, except in localities where it may be necessary, and in such cases the General Executive Board shall, after consultation with the Joint Council, have full power to determine the advisability of issuing a separate charter.

(b). Where there is a mixed Local Union any separate and distinct division of such Local Union

consisting of one thousand (1,000) or more members, a majority thereof may petition the Local Union for a separate charter. A lesser number shall have the same right, provided they are numerically and financially able to function properly. If the Local Union fails to act upon such petition within reasonable time then the application may be submitted to the Joint Council Executive Board which shall consider the matter and make such recommendations as they deem for the best interest of the organization. Their recommendations shall be subject to approval of the Joint Council. In the consideration of such application the Joint Council shall notify the Local Union of the application for such separate charter, in order to afford it an opportunity to present its position. Where a Local Union or applicant disagrees with the Joint Council decision they may appeal to the General Executive Board whose decision after the hearing shall be final. When a separate charter is issued to a separate group as herein provided, the jurisdiction of the newly chartered Local Union must be transferred to said new Local Union. It shall be incumbent upon the mixed Local Union to provide the necessary funds with which the newly constituted Local Union shall obtain its charter, with a minimum equivalent to a one (1) month's dues per member for the number being transferred. The new Local Union shall be under the supervision of the International Union for a period of no more than two (2) years unless otherwise ordered by the General Executive Board.

## ***Article XVII***

### **TRANSFER AND WITHDRAWAL CARDS**

#### **Duty To Accept Transfer Card**

Section 1. It shall be compulsory upon every Local Union to accept the transfer card of a member in .

good standing with any Local Union of the International Union, without any extra charge or fees, except as provided in the International Constitution provided, however, the member seeking to transfer shall comply with all rules and regulations set forth in this Constitution respecting transfer; and provided further he shall comply with rules and regulations of the Local Union and its constitution and by-laws. Such Local Union shall accord him opportunity for employment and all other rights and privileges in accordance with the rules and regulations of the Local Union to which he seeks to transfer.

### **Transfer Card**

#### **Date of Initiation**

Section 2. This is to certify that the bearer hereof, Brother ....., whose name is written on the margin of this card in his own handwriting, is a member in good standing of Local Union No. ...., International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and is entitled to all rights and privileges under our jurisdiction.

We recommend him to the friendship and protection of all members of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, wherever he may be, and to free admission, provided he has been a member not less than ninety (90) days in the Local Union from which he transfers, otherwise he shall pay the difference in the initiation fee to the Local Union to which he transfers.

This card expires ....., 19....., and is null and void after that date, unless renewed or deposited in accordance with the Constitution.

The member receiving this card will be suspended from all rights and benefits unless the card is re-

newed by the Local Union before its expiration. It will also be forfeited unless deposited within thirty (30) days after going to work in any town or city where there is a Local Union.

This card is issued in accordance with provisions of Article XVII, Section 1, and Article XVII, Section 3, of the International Constitution.

Given under our hands and the seal of Local Union No. ...., this ..... day of ....., 19.....

(SEAL)

### **Deposit of Transfer Card**

Section 3. (a). It shall be compulsory for a member working under the jurisdiction of another Local Union to procure a transfer card from the Local Union of which he is a member, and to deposit the same with the Local Union under whose jurisdiction he is working. Immediately upon going to work or before if practicable, he shall make a request in writing of the Local Union of which he is a member and from which he seeks to transfer for the issuance of a transfer card to him, and shall also apply to the secretary-treasurer of the Local Union into which he is seeking to transfer for approval of that secretary-treasurer so to transfer. No transfer card shall be issued unless such approval has been obtained in writing attested to by such secretary-treasurer. Within forty-eight (48) hours after a member has received a transfer card and he shall deposit the same with the Local Union to which he seeks to transfer, and upon such deposit the transfer shall become effective. Upon transfer the member is subject to the rules, by-laws and agreements of the Local Union to which he has transferred. The Local Union from which a member has transferred shall be obliged to refund to such member dues paid in advance to such Local



Union covering the period from the end of the month in which such member has transferred to the end of the period for which such dues have been paid in advance. If a member continues to work under the jurisdiction of another Local Union after having been refused a transfer card or after having failed to apply for such transfer card as specified herein, or after the Joint Council has decided he should transfer, and he has refused, he thereby forfeits his membership, and his Local Union must not accept any more dues or furnish him with a button. Refusal to issue a transfer card or to approve a transfer may be appealed to the General President and thereafter to the General Executive Board in accordance with the appeal procedures provided for in this Constitution, excluding, however, appeal to the convention.

(b). When seeking transfer, such member shall present to the Local Union into which transfer is sought proper and satisfactory identification and also produce an official due card stamped up to date. A maximum charge of twenty-five cents (25c) may be made for such transfer card. Salaried officers of the International Union shall not be required to transfer from their respective Local Unions while employed by the International Union.

## **Jurisdiction to Issue Honorable Withdrawal Card**

Section 4. Local Unions shall have jurisdiction over the granting of all honorable withdrawal cards. Refusal to grant honorable withdrawal card shall be subject to appeal in accordance with the appeal procedure provided for by this Constitution, excluding, however, any appeal to the convention.

There may be a maximum charge of twenty-five cents (25 cents) to any member granted a withdrawal card, and it shall be the duty of the secretary-treasurer of the Local Union receiving such charge to duly record the payment thereof in his cash book and carry it to his ledger.

The following provisions shall govern withdrawal cards and shall be embodied in the withdrawal card in the form prescribed by Section 5 hereof.

### **Honorable Withdrawal Card**

Section 5. (a). This is to certify that the bearer hereof, Brother ....., whose name appears on the margin of this card in his own handwriting, has paid all dues and demands and withdrawn in good standing from membership in Local Union No. ....

(b). This card entitles him to readmission to the Local Union from which this card was issued at any time, subject, however, to the provisions of subsection (e) of this section.

(c). Any member of the International Union leaving our employment or going to work at another craft or occupation, must be given an honorable withdrawal card and cannot remain a member of the International Union; but before a withdrawal card is issued the individual must comply with all rules and laws of the Local Union and International Union.

(d). Any ex-member out on a withdrawal card and desiring to return to membership, must first deposit his withdrawal card with the Local Union by which it was issued; and upon the withdrawal card being accepted, the member shall be subject to the rules and laws of the Local Union. Refusal of any Local Union to accept a withdrawal card shall be subject to appeal in accordance with appeal pro-

cedure provided for by this Constitution, excluding, however, any appeal to the convention.

(e). Local Unions must not accept withdrawal cards if the member has committed any offense while out on withdrawal card which would be injurious to union principles. Also, if the Local Union is paying benefits and the member has fallen into bad health or is liable to become a charge against the Local Union or International Union, acceptance of the withdrawal card can be refused by the Local Union. Likewise acceptance of withdrawal card may be refused where adverse employment conditions exist.

Given under our hands and seal of Local Union No. ...., this ..... day of ..... 19.....

(SEAL)

....., Secretary.  
....., President.

## *Article XVIII*

### **TRIALS AND APPEALS**

#### **Trials of Local Union Officers and Members—**

##### **Procedure**

Section 1. (a). A member or officer of a Local Union charged by any other member of the Local Union with any offense constituting a violation of this Constitution, shall, unless otherwise provided in this Constitution, be tried by the Local Union Executive Board. If the member charged or preferring the charges is a member of such Board then the president of the Local Union shall appoint a disinterested member as a substitute. If the president of the Local Union is charged or is preferring the charges

the Local Union secretary-treasurer shall appoint the substitute.

(b). Whenever the charges are preferred against any member or officer of a Local Union, the charges shall be filed in writing in duplicate with the secretary of the Local Union, Joint Council or General Executive Board which is to try the case. No member or officer of a Local Union shall be tried unless he or she shall be served by the secretary, personally or by registered or certified mail, with a written copy of such charges specifying the nature of the offense of which he or she is accused. Thereupon, the accused shall be required to stand trial at the time and place designated, which shall not be less than ten (10) days from the date the charges are served upon the accused. The accused may appear in person, and with witnesses, to answer the charges preferred against him or her. He may select only a member of his Local Union to represent him in the presentation of his defense.

(c). If the charges, or any portion thereof, are sustained, then the trial body shall render judgment and impose disciplinary action as provided for in this Constitution. If the charges are not sustained, the same shall be dismissed and the accused restored to full rights of membership or office in the Local Union.

(d). Upon filing of such charges, and if the same are of such magnitude and seriousness as to jeopardize the interests of the Local Union or International Union, then, and in that event, the General President, if the matter is brought to his attention, may, if he deems it advisable, immediately suspend such member or officer from membership or office in the Local Union until a decision has been rendered in the case.



## Appeals of Local Union Officers and Members

Section 2. (a). In the event disciplinary action is taken against the accused, he or she may take an appeal from the decision of the Local Union Executive Board to the Executive Board of the Joint Council, if one exists, otherwise the appeal shall be taken to the General Executive Board. Appeals from decisions of the Executive Board of Joint Councils may be taken to the General Executive Board. In all matters involving officers of subordinate bodies and individual members there shall be no further appeal from the decision of the General Executive Board. Where elective officers of the International Union are involved, and as to all other matters not specifically excluded herein, appeals from decisions of the General Executive Board may be taken to the next convention. All manner of appeals shall be taken within fifteen (15) days from the date the decision is placed in the mail or otherwise transmitted to the interested parties.

(b). The appellant shall mail a written notice of such appeal to the secretary of the body to which the appeal is directed. No specific form or formality shall be required, except that such notice shall clearly state an appeal is being taken from the particular decision rendered in the particular case. Pending any appeal, the decision appealed from shall remain in full force and effect. Appeals shall be heard either on the record made before the trial tribunal or by a re-trial, in the discretion of the body hearing the appeal. Decisions on appeals shall be rendered as promptly as possible after the appeal has been heard. The date when an appeal will be considered by the appellate body may be fixed by it, but it shall proceed without unnecessary delay. Notice of the date when the appeal will be heard shall be served personally or by registered or certi-

fied mail on the parties interested in the particular case, and such parties may, in the discretion of the appellate body, be accorded the right to appear before the appellate body and present argument on the case.

(c). If a member of the Executive Board of the Joint Council or of the General Executive Board is interested in the case as a party thereto, then the President of the Joint Council or the General President of the International Union, as the case may be, shall appoint a substitute.

(d). Failure of any interested party in any case to appear before any trial or appellate body at the time and place designated in the notice shall constitute a waiver of appearance and the trial shall proceed or the appeal heard regardless of the absence of such party.

(e). Any party to a case, regardless of whether such party is the accused or not, being aggrieved of a decision rendered in the case shall be entitled to the same rights of appeal as are hereinbefore provided for accused.

### **Trials and Appeals of Local Unions, Other Subordinate Bodies, and Elective International Union Officers**

Section 3. (a). Whenever charges are preferred against a Local Union or against a Joint Council, or other subordinate body, such charges shall be filed in writing in duplicate with the secretary of the trial body, and shall be served personally or by registered or certified mail on the Secretary-Treasurer of the Local Union or the Joint Council or other subordinate body so charged. If the charges are against the Local Union the trial shall be by the Executive Board of the Joint Council, provided that if a Local Union is not affiliated with a Joint

Council due to the fact that no Joint Council exists with which such Local Union can affiliate, the trial shall be by the General Executive Board. If the charges are against a Joint Council or other subordinate body the trial shall be before the General Executive Board. The provisions of this section shall also be applicable when the Executive Board of the subordinate body is charged or is the charging party.

(b). A Local Union shall be accorded thirty (30) days' time in which to appear for trial and submit its defense. In the case of a Joint Council or other subordinate body the time of trial shall be fixed by the General Executive Board.

(c). In the matter of appeals from decisions affecting Local Unions not including decisions involving officers or individuals, the same shall be taken to the General Executive Board, and from it to the convention. In the matter of appeals from decisions affecting Joint Councils, or other subordinate bodies, not including decisions involving officers or members thereof, the same shall be taken to the convention. In all other respects procedure on appeals shall be the same as provided for in Section 2, this Article.

(d). Trial of elective International Union Officers shall be before the General Executive Board at such time and place as fixed by the General Executive Board. The officer charged shall be found guilty only on a majority vote of the entire General Executive Board. Appeals by such general officers from decisions of the General Executive Board shall be to the convention.

(e). Emergency powers provided for in Section 9, this Article, shall apply with the same force and effect to Local Unions and Joint Councils and other subordinate bodies.



## **Original Jurisdiction of General Executive Board To Try Offenses Against International Union**

Section 4. (a). Notwithstanding any other provision of this Constitution, the General Executive Board shall have jurisdiction to try individual members, officers, Local Unions, Joint Councils or other subordinate bodies for all offenses committed against the officers of the International Organization or the International Organization. In the event charges have been filed or hearings are pending before a subordinate body in respect to any offense over which the General Executive Board has assumed jurisdiction under this section, the jurisdiction of such subordinate body shall forthwith terminate and the subordinate body shall, upon request of the General Executive Board, transfer all of its records and papers pertaining to the case to the General Executive Board.

(b). Charges shall be filed in duplicate in writing with the General Secretary-Treasurer or the General President. A copy of the charges shall be served personally or by registered or certified mail upon the accused, together with notice of the time and place of trial.

(c). If the accused are unable to be present at the meeting of the General Executive Board, they may present their case in writing.

## **Trials Before Panels of Executive Boards**

Section 5. In any case where a trial before the General Executive Board of the International Union or the Executive Board of any subordinate body thereof is required under the provisions of this Constitution, such Board may have such trial conducted before a panel appointed by the General President or the president of the subordinate body as the case



may be, consisting of one (1) or more disinterested members thereof. This panel shall act on behalf of such Board in the holding of hearings and the taking of evidence and, following the conclusion of the hearing before it, shall make a full report in writing, including findings and such recommendations for disciplinary action, if any, the Board itself is to take. The ultimate determination of the case, however, shall be made by the Board itself on the basis of the record made before the panel.

### **Grounds for Charges Against Members, Local Unions, Joint Councils and Officers**

Section 6. The basis for charges against members, officers, Local Unions, Joint Councils or other subordinate bodies, for which he or it shall stand trial, shall consist of but not be limited to the following:

- (1) Violation of any specific provision of the Constitution or failure to perform any of the duties specified thereunder.
- (2) Violation of the oath of loyalty to the Local Union and the International Union.
- (3) Violation of the oath of office.
- (4) Gross disloyalty, or conduct unbecoming a member.
- (5) If an officer, gross inefficiency which shall hinder and impair the interests of the Local Union or of the International Union.
- (6) Misappropriation.
- (7) Secession, or fostering the same.
- (8) Abuse of fellow members and officers by written or oral communication.
- (9) Abuse of fellow members or officers in the meeting hall.
- (10) Activities which tend to bring the Local Union or the International Union into disrepute.

- (11) Disobedience to the regulations, rules, mandates and decrees of the Local Union or of the officers of the International Union.
- (12) Such other acts and conduct which shall be considered inconsistent with the duties, obligations and fealty to a member of a trade union, and for violation of sound trade union principles.

### **Specific Offenses**

Section 7. Any member who (1) knowingly goes to work or remains in the employment of any person, firm or corporation, whose men are on strike or locked out, unless he has permission of the International Union, the Joint Council or his Local Union, may be tried by the Executive Board of his Local Union, or (2) knowingly gives or attempts to give directly or indirectly, any information to any employer on an unfair list or whose men are on strike or locked out, or whose men are trying to secure an agreement or an improvement in their working conditions or whose men are trying to prevent an increase in hours of labor or a decrease in wages, for the purpose of assisting such employer, or for any gain or promise of gain, or (3) knowingly goes to work or remains in the employment of any person, firm or corporation on an unfair list of the International Union, without permission from the International Union, the Joint Council or his Local Union, may be tried in the manner provided for the trial of other offenses.

### **Refusal To Return Books**

Section 8. Any member who (1) wrongfully takes or retains any money, books, papers or any other property belonging to the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Help-

ers of America, any Joint Council, Local Union, or other subordinate body; or (2) who mutilates, erases, destroys or in any way injures any books, bills, receipts, vouchers, or other property of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, any Joint Council, Local Union or other subordinate body, may be tried in the manner provided for the trial of other offenses.

## Decisions and Penalties

Section 9. (a). Decisions and penalties imposed upon individual members, officers, Local Unions, Joint Councils or other subordinate bodies found guilty of charges may consist of reprimands, fines, suspensions, expulsions, revocations, denial to hold any office permanently or for a fixed period or commands to do or perform, or refrain from doing or performing, specified acts. If the penalty is by way of fine then the same must be paid, pending an appeal if one is taken unless the General President waives the same within ten (10) days from receipt of request therefor. A Local Union ordered to reinstate a member or perform an act other than the payment of a fine must comply therewith as a condition precedent to taking an appeal unless the General President or the General Executive Board suspends such order pending the appeal. If the fine is against a member or officer of a Local Union, assessed by the Local Union, it shall be paid into the treasury of the Local Union. If a fine is assessed against a Local Union by a Joint Council the payment shall be to the treasury of the Joint Council.

(b). If the fine is assessed where the General Executive Board has assumed original jurisdiction, it shall be paid to the Treasury of the International Union.

(c). When such penalty consists only of a fine and an appeal is taken, such fine shall be deposited as above provided; thereupon such member, officer or Local Union shall be permitted to continue in the Local Union with full rights and privileges in accordance with the laws of the International Union. If on appeal the decision is reversed and the fine disallowed, then the same shall be returned to the party depositing the same. Whenever a decision is handed down by any trial or appellate body and an appeal is taken, such decision shall stand and remain in full force and effect until reversed by a higher body.

(d). In the event of non-compliance with the decision handed down by a trial or appellate body, the member, officer, Local Union, or Joint Council shall stand suspended from all privileges of the International Union until the provisions of the decision have been complied with. If, however, the decision carries with it an order of expulsion, then such order of expulsion shall immediately take effect.

(e). Any member or Local Union that is tried by the General Executive Board cannot be tried for the same offense by a Local Union or Joint Council.

(f). The General Executive Board may send a case back to the Joint Council, the Local Union, or other hearing body or officer for further hearing, production of additional testimony, or for further consideration with or without such further hearing.

### **Emergency Power in General President To Conduct a Trial When Welfare of Organization Demands**

Section 10. (a). Whenever charges involving a member or members, officer or officers, Local Union, Joint Council or other subordinate body create, involve or relate to a situation imminently dangerous



to the welfare of a Local Union, Joint Council, other subordinate body or the International Union the General President is empowered, in his discretion, in all cases except where the General Executive Board has assumed jurisdiction under Section 4 of this article, to assume original jurisdiction in such matter, regardless of the fact that charges have been filed with a subordinate body and are pending. When the General President has assumed such original jurisdiction under this section, the jurisdiction of the subordinate body shall cease. Under such circumstances, the General President shall hold a hearing upon giving not less than forty-eight (48) hours notice to the party or parties charged to appear before him at a place and time designated by him. He shall then proceed to hear and try the matter and render judgment in accordance with the facts and circumstances presented to him. When the General President has so acted, an appeal shall lie from his decision to the General Executive Board, and from the General Executive Board to the convention in the same manner and to the same extent only as is provided for appeals in other cases. Pending appeal from the General President's action, his decision shall stand and be enforced.

(b). When the General President deems it necessary to exercise the foregoing emergency power, he may depute a representative or representatives to act for him in such matter. Such representative shall have the same powers as the General President as herein provided; however, when a trial shall be conducted by a representative or representatives of the General President, such representative or representatives shall make his or their recommendations to the General President, orally or in writing, and the decision in the case shall be made by the General President himself.

## **Charges Not Preferred in Good Faith**

Section 11. If charges are preferred and such charges are not sustained and the trial body or appellate body is convinced that the same were not brought in good faith or were actuated by malice, the trial body or the appellate body may impose such penalty by the way of punishment as in its judgment is deemed proper under the circumstances.

## **Refusal of Local Union to Try Member**

Section 12. Any Local Union refusing to try its members when charges have been preferred by another Local Union, for any cause whatsoever, the Local Union preferring the charges may then bring the charge before the Executive Board of the Joint Council, where one exists for trial and decision in the same manner as provided for the conduct of other trials before the Local Union Executive Board. If no Joint Council exists, then the matter shall come within the jurisdiction of the General Executive Board.

## **Revocation of Membership on Being Found Guilty of Crime**

Section 13. (a). When a member is convicted of the commission of a crime or serious wrongdoing, or pleads guilty to the commission of a crime or serious wrongdoing, against the Local Union or against the community, and which crime or act of serious wrongdoing tends to bring dishonor upon the Local Union or the International Union, it shall be the duty of the Local Union to proceed to revoke the membership of such member. Likewise, whenever a member of a Local Union has engaged in what is commonly termed racketeering, and he is found guilty thereof, thereby bringing dishonor upon the Local Union or upon the International Union, it shall be

the duty of the Local Union to proceed in the manner provided in Article XVIII, Section 1, to revoke the membership of such member.

(b). Under the circumstances referred to in the foregoing paragraph, the Secretary-Treasurer of the Local Union shall refuse to accept dues from any person so removed from membership. It shall be mandatory upon the Local Union Executive Board to order the name of such member stricken from the rolls and to notify all Local Unions in the district, the Joint Council and the International Union, of its action and the cause therefor.

(c). In the event a Local Union fails to carry out the foregoing provision, then the General President, when the matter is brought to his attention, shall have the power, in his discretion, to proceed to revoke or order the revocation of the membership of such member.

(d). Any individual whose membership is hereafter revoked in accordance with the provisions of this section may subsequently be reinstated to membership; such reinstatement shall be subject to the approval of the Local Union of which he was a member, the involved Joint Council, and the General Executive Board.

## **Exhaustion of Remedies**

Section 14. (a). Every member, officer, Local Union, Joint Council or other subordinate body against whom charges have been preferred and disciplinary action taken as result thereof, or against whom adverse rulings or decisions have been rendered or who claims to be aggrieved, shall be obliged to exhaust all remedies provided for in this Constitution and by the International Union before resorting to any other court or tribunal.

(b). Where a member, officer, Local Union, Joint



Council, or other subordinate body, before or following exhaustion of all remedies provided for within the International Union, resorts to a court of law and loses his or its cause therein, all costs and expenses incurred by the International Union shall be assessed against such individual, Local Union, Joint Council, or other subordinate body, in the nature of a fine, subject to all penalties applicable where fines remain unpaid.

Where such court action is by an individual or by a Local Union, Joint Council, or other subordinate body against a Local Union, Joint Council or other subordinate body, the foregoing provision in respect to the payment of costs and expenses shall be applicable in favor of the Local Union, Joint Council or other subordinate body proceeded against in court.

Section 15. All decisions following trials or hearings shall be made and rendered within sixty (60) days of the date of the hearing of trial commenced, unless otherwise ordered by the General Executive Board.

## *Article XIX*

### **DISSOLUTION**

No local union can dissolve, secede or disaffiliate while there are seven (7) dissenting members; no Joint Council can dissolve, secede or disaffiliate while there are two (2) dissenting Local Unions; nor can this International Union dissolve while there are seven (7) dissenting Local Unions. In the event of secession, dissolution or disaffiliation, all properties, funds and assets, both real and personal, of such Local Union or Joint Council or other subordinate body shall become the property of the International Union as specified in Sections 14 and 15 of Article X hereof. Under no circumstances shall any Local Union or Joint Council distribute its funds, assets



or properties individually among its membership. To ascertain whether or not seven (7) members desire to retain the charter, there shall be subtracted from the complete membership list for the current month the name of each member in good standing who has, during the current month, submitted to the General Secretary-Treasurer a personally signed notarized, individual affidavit attesting to his desire to sever his membership in the Local Union and International Union. Such affidavit shall be forwarded to the General Secretary-Treasurer in the month in which it is signed. It shall be conclusively presumed that all who have not executed such individual affidavits still desire to retain the charter.

## **Article XX**

### **LABOR DAY**

We recognize the first Monday in September as Labor Day, except in states where another day is provided by law, and call upon all Local Unions to observe the same. It is advisable for Local Unions to unite and march under one banner in cities where there is more than one (1) Local Union and each Local Union can make such rules and regulations requiring their members to observe the day, as best adapted to their locality.

## **Article XXI**

### **LOCAL UNIONS**

Section 1. Each Local Union shall have the right to make such by-laws as it may deem advisable, providing they do not conflict with the laws of the International Union. Where the General President fails to approve the by-laws the Local Union may refer the matter to the General Executive Board.

Section 2. The officers of the Local Union shall consist of a President, Vice-President, Recording

Secretary, Secretary-Treasurer and three (3) Trustees. These officers shall constitute the Executive Board of the Organization.

Section 3. Election of officers of Local Unions shall not exceed the period for which International Union Officers are elected and shall not be for a lesser period than three (3) years. In the instance of Local Unions that have not been chartered two (2) years at the time of the adoption of this provision and in the case of new Local Unions, hereafter chartered, until such Local Unions have been chartered for two (2) years, officers shall not be elected for a period longer than one (1) year. No member while receiving severance or retirement benefits from the International Union shall be eligible to hold a salaried office or position in a Local Union; provided that International Union Vice-Presidents and International Union Trustees who are receiving severance or retirement benefits based solely on their services as such officers may hold a salaried office in a Local Union. Provided further that if the member receiving severance or retirement defers the receipt of such benefits he shall be eligible to hold salaried office or position with a subordinate body during the period of such deferment.

Section 4. The Conductor and Warden shall be appointed by the Chair. All officers shall serve for the period of their election unless removed by the Trustee (see Article VI, Section 5 (b)) for incompetency, or neglect of duty, dishonesty or other violation of this Constitution.

Section 5. Nomination of officers shall take place in November or December. The election shall follow at the next meeting, provided, however, that if it is so voted by the membership at a regular or special meeting held for such purpose prior to the election meeting, the election may be held at such other place

or places and at such other time not later than one (1) month after the nomination meeting as may be designated by the Local Union Executive Board, in which case the election shall be by secret ballot to be placed in boxes (unless the Executive Board of the Local Union has authorized the use of some standard type of election mechanical device insuring a secret ballot by machine vote), the election box or machine however to be located at a place or places designated by the Local Union Executive Board for the convenience of the membership; balloting shall be open to suit the convenience of membership and for a period not less than six (6) hours between the hours of 8:00 a. m. and 8:00 p. m., and it shall be the duty of the Local Union Executive Board to provide safeguards for the honest and fair conduct of such election, including grant of the right to each nominee in such election of at least one (1) observer at all times. The officers-elect may be installed at the same meeting at which they are elected or, if not elected at a meeting, at the next meeting following their election. Where the nominee is unopposed at the regularly designated nomination meeting, there shall be no necessity for the election of such nominee and he shall be declared duly elected at such nomination meeting, effective as of the conclusion of the term of the previous incumbent. The General President is authorized to change the time and place of nomination and election provided for in this section.

Section 6. The regular nominations and elections in Local Unions, having a substantial number of seasonal workers in their membership, shall be held at such dates and times as the General President shall designate in the year provided for in the Local Union by-laws, and in conformance with all other



provisions in the International Constitution pertaining to nominations and elections.

Section 7. The Business Representative and assistants of a Local Union may be elected or appointed in the manner provided by the Local Union by-laws, the same as any other officer; but can be removed at any time for incompetency, neglect of duty, or dishonesty or other violations of this Constitution, or if there are not sufficient funds in the Local Union to pay his salary. Unless otherwise provided in this Constitution, elected Business Representatives and assistants of Local Unions are entitled to trial before removal; those not elected, but merely appointed or hired, are not entitled to such trial before removal.

## *Article XXII*

### **DUTIES OF LOCAL SECRETARY- TREASURERS**

Section 1. Local Union Secretary-Treasurers, immediately upon taking the Office of Secretary-Treasurer, shall procure a suitable surety bond or suitable collateral, and a copy of the same must be filed in the General Office.

Section 2. Local Union Secretary-Treasurers shall deposit all moneys in the Local Unions in a reliable bank in the name of the Local Union at least twice a month or oftener, if possible, as the Local Union may designate from time to time.

Section 3. Local Union Secretary-Treasurers must pay all bills by check, signed by any two (2) of the following: the Local Union President, the Local Union Secretary-Treasurer, one (1) elected Business Representative. In the event that two (2) or all of these officials become ill or otherwise incapacitated the Local Union Executive Board shall designate



substitutes for the purpose of signing such checks.

Section 4. Local Union Secretary-Treasurers must balance their day book and cash books monthly, showing the exact balance on hand with the Local Union on the first (1st) day of the coming month, and have their bank book balanced on the last day of the month or get a bank statement from the bank on the last day of the month, showing the exact amount of money in the bank, so that the Trustees of the organization may verify the bank statement and the books of the Local Union at any time.

Section 5. Local Union Secretary-Treasurers must keep the International Union bookkeeping system, consisting of a day book, ledger records and cash book, or any other mechanical system approved by the General Secretary-Treasurer, and must issue dues books.

Section 6. Local Union Secretary-Treasurers must keep the applications of all new members initiated filed monthly.

Section 7. Local Union Secretary-Treasurers must keep all of the part paid applications on hand properly filed.

Section 8. Local Union Secretary-Treasurers must keep all receipted bills filed monthly.

Section 9. Local Union Secretary-Treasurers must attach all return checks to the stub in the check book of the Local Union each month when he receives his cancelled checks from the bank or adopt other procedures approved by the General Secretary-Treasurer.

Section 10. Local Union Secretary-Treasurers shall report to the General Secretary-Treasurer by the tenth (10th) day of each month, the number of men that are being carried on the books of the Local Union as good standing members as of the

first (1st) day of that month, and all new members who have been initiated during the previous month and all members who have paid up their back dues and again become in good standing. This report must be made on the monthly report blank that is issued by the General Secretary-Treasurer.

Section 11. Local Union Secretary-Treasurers must pay to the General Secretary-Treasurer forty cents (40c) out of every due collected by the Local Union.

Section 12. Local Union Secretary-Treasurers must report the names and addresses of all new members coming into the Local Union to the General Office.

Section 13. Local Union Secretary-Treasurers shall send to the General Secretary-Treasurer a revised list quarterly of the names and addresses of all members in good standing in the Local Union.

Section 14. Local Union Secretary-Treasurers cannot and must not carry any men on their books as members of the organization and mark them exempt from paying dues.

Section 15. Local Union Secretary-Treasurers on the monthly audit of the Trustees must see that the Trustees sign their books, if the Trustees of the Local Union have found them correct and the bank balance verified with the balance on the books of the Local Union.

Section 16. Local Union Secretary-Treasurers must see that the Chairman of the Trustees forwards a copy of the monthly audit, properly signed by the Trustees, showing the balance on hand with the Local Union to the General Secretary-Treasurer.

Section 17. When the term of office of a Local Union Secretary-Treasurer expires and his successor is elected to take his place, he must see that his

successor is properly bonded and a copy of the bond sent to the General Office before he transfers the funds of the organization to his successor in office.

## ***Article XXIII***

### **RULES OF ORDER FOR LOCAL UNIONS**

Section 1. The President, while presiding, shall state every question coming before the Local Union before suffering debate thereon, and immediately before putting it to a vote he shall ask: "Is the Local Union ready for the question?" Should no member rise to speak and the Local Union indicates its readiness, he shall rise to put the question. After he has risen no member shall be permitted to speak upon it.

Section 2. When the decision of the President is appealed from, he shall state his decision and the reasons therefor, from the Chair. The party appealing shall then briefly state the reasons for the appeal, after which, without further debate, the question shall be put thus: "Shall the decision of the Chair stand as the judgment of this Local Union?"

Section 3. Every member, while speaking, shall adhere to the question under debate, avoid all personality and indecorous language, as well as any reflection on the Local Union or any member thereof.

Section 4. Any member, while speaking, being called to order by another, at the request of the Chair, shall cease speaking and be seated until the question of order is determined.

Section 5. No member shall speak more than once on the same question until all the members wishing to speak have had an opportunity to do so; nor more than twice without the permission of the Chair, nor more than ten (10) minutes at one (1) time.

Section 6. All resolutions and motions, other than the first six, in Rule 8, to accept or adopt the report of the committee, shall be reduced to writing before the President shall state the same to the Local Union.

Section 7. Any member may call for the division of a question when the sense will admit of it.

Section 8. The following motions shall have precedence in the following order herein arranged: First, to adjourn; second, to close debate; third, to take the previous question; fourth, to lie on the table; fifth, to postpone indefinitely; sixth, to postpone to a definite time; seventh, to refer; eighth, to amend. The first four shall be decided without debate.

Section 9. The motion to close debate may be made by two (2) members, and shall be put in this form: "Shall the debate now close?" And, if adopted, the President shall proceed to take the question on the resolutions and amendments thereto, according to priority, without further debate.

Section 10. The call for the previous question may be made by six (6) members and shall be put in this form: "Shall the main question be now put?" If adopted, the effect shall be to take the question on the original resolution to the exclusion of all debate and all amendments which have not been adopted.

Section 11. All votes other than amendments to the Constitution, By-Laws or Rules of Order may be considered at the same or next succeeding meeting upon a motion made and seconded by two (2) members who voted in the majority; provided the Local Union agrees thereto; but after a motion to reconsider has once been lost, it shall not be renewed.

Section 12. Every member present shall vote on all questions before the Local Union unless personally interested. A motion to excuse a member from voting shall be put without debate.



Section 13. No member shall enter or leave the Local Union meeting during the reading of the minutes, admission of new members, installation of officers, or the taking of a question by "yeas" and "nays"; and no member shall be allowed to leave the Local Union meeting without the permission of the presiding officer, under penalty of twenty-five cents (25c) fine.

Section 14. When a motion has been declared carried or lost by acclamation, any member, before the Local Union proceeds to other business, may call for a count, but the "yeas" and "nays" cannot be called unless demanded before the President rises to put the question.

Section 15. The "yeas" and "nays" may be called for by two (2) members and upon the assent of one-third ( $\frac{1}{3}$ ) of the members present shall be taken.

Section 16. A motion to adjourn having been put and lost shall not be in order again, provided there is further business before the Local Union, until fifteen (15) minutes have elapsed.

Section 17. No subject of a political or religious nature shall be at any time admitted, under a penalty of fifty cents (50c) fine, but subjects which affect the economic welfare of our members shall not be prohibited even though they are political in nature.

Section 18. All business done in the Local Union shall be strictly secret to all outside the Local Union.

Section 19. (a). All and other proceedings in debate, not herein provided for, to be governed by Roberts' Rules of Order.

(b). One (1) tap of the gavel shall call to order; two (2) taps to be seated; three (3) taps to rise.

## *Article XXIV*

### **SAVING CLAUSES**

Section 1. The provisions of this Constitution relating to the payment of dues, assessments, fines or penalties, etc., shall not be construed as incorporating into any union-security contract those requirements for good standing membership which may be in violation of applicable law, nor shall they be construed as requiring any employer to violate any applicable law. However, all financial obligations imposed by or under this Constitution and Local Union by-laws (and in conformity therewith) shall be legal obligations of the members upon whom imposed and enforceable in a court of law.

Section 2. If any provision of this Constitution shall be declared invalid or inoperative, by any competent authority of the executive, judicial or administrative branch of federal or state government, the International Unions General Executive Board shall have the authority to suspend the operation of such provision during the period of its invalidity and to substitute in its place and stead a provision which will meet the objections to its validity and which will be in accord with the intent and purpose of the invalid provision. If any Article or Section of this Constitution should be held invalid by operation of law or by any tribunal of competent jurisdiction, the remainder of this Constitution or the application of such Article or Section to persons or circumstances other than those as to which it has been held invalid, shall not be affected thereby.

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